

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.44942 of 2017

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking to declare the action of the official respondents in considering the application of the 5th respondent for establishment of Elite Bar in favour of the 5th respondent in the middle of the residential area i.e., in the premises bearing No.1-156, situated on the Main Road of Madhira, Khammam District, while exercising powers under Clause 6 Para 2 of G.O.Ms.No.211, Revenue (Excise-II) Department, dated 01.10.2016, and G.O.Ms.No.222, Revenue (Excise-II) Department, dated 27.09.2017, in spite of raising objections, as illegal, arbitrary and violative of Article 21 of the Constitution of India.

2. Heard Sri P.V.Ramana, learned counsel for the petitioner and the learned Government Pleader for Prohibition and Excise for respondents 1 to 4 and perused the material available on record.

3. The allegation of the petitioner in the present writ petition is that the 5th respondent is proposing to set up an Elite Bar in the middle of the residential area i.e., in the premises bearing No.1-156, situated on the Main Road of Madhira, Khammam District, which is in total violation of the norms notified in G.O.Ms.No.211, Revenue (Excise-II) Department, dated 01.10.2016, particularly the distance parameter, apart from violation of other conditions, which are required to be mandatorily complied with.

4. Learned counsel for the petitioner submits that the petitioner has raised objections on 14.12.2017 to the 2nd respondent, but without considering the said objections, the respondent authorities have recommended the application of the 5th respondent for grant of Elite Bar licence in the 2nd floor of the said premises and that the Government is going to grant permission in this regard. Learned counsel further submits that the apprehension of the petitioner is that the respondent authorities would not consider the objections submitted by the petitioner before allowing the 5th respondent to establish an Elite Bar.

5. Learned Government Pleader submits that the 2nd respondent will consider the objections raised by the petitioner and pass appropriate orders.

6. Having regard to the facts and submissions, the Writ Petition is disposed of making it clear that before granting any permission to the 5th respondent to establish an Elite Bar, the objections raised by the petitioner, dated 14.12.2017, shall be dealt with apart from ensuring that the 5th respondent strictly adhere to the guide lines issued by the Government for establishment of Elite Bars in G.O.Ms.No.211, Revenue (Excise-II) Department, dated 01.10.2016, and in G.O.Ms.No.222, Revenue (Excise-II) Department, dated 27.09.2017, and the Rules and Regulations in the Telangana Excise (Grant of Licence of Selling by Bar and conditions of Licence) Rules, 2005, issued in G.O.Ms.997, Revenue (Ex.II) Department, dated 24.05.2005.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

There shall be no order as to costs.

CHALLA KODANDA RAM, J

Date: 29th December, 2017

Note: Issue C.C. in one (01) week.

(B/o.)
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