

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.44946 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 respondents 5 & 6 for establishment of two Elite Bars in Madhira Town, 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 respondents 5 & 6 are proposing to set up two Elite Bars in Madhira Town, 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 17.10.2017 to the 2nd respondent, but without considering the said objections, the respondent authorities have recommended the applications of respondents 5 & 6 for grant of Elite Bar licence in Madhira Town, Khammam District, and that

the Government is going to grant permissions in this regard. Learned counsel further submits that the apprehension of the petitioner is that the respondent authorities may not consider the objections submitted by him before allowing respondents 5 & 6 to establish the Bars.

5. Learned Government Pleader submits that the 2nd respondent shall 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 respondents 5 & 6 to establish two Elite Bars, the objections raised by the petitioner, dated 17.10.2017, shall be dealt with apart from ensuring that respondents 5 & 6 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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