

HON'BLE SRI JUSTICE Dr. B. SIVA SANKARA RAO

WRIT PETITION No.33111 of 2017

ORDER:

This Writ Petition is filed by the petitioner, under Article 226 of the Constitution of India, seeking the following relief:

“... to issue a writ or order more particularly one in the nature of writ of mandamus declaring the action of the respondents 1 to 6 in renewal of the license of the 7th respondent without considering the petitioner representation dated 22-9-2017 which was acknowledged by the respondents 1 to 4 on 23-9-2017 as illegal, arbitrary, unjust and against the violation of principles of natural justice apart from that against the norms of G.O.Ms.No.24 Revenue (Excise-II) Department dated 4-9-2014 and also against the norms of Telangana Excise Act and Rules thereon and consequential directions to the respondents 1 to 6 not to accord any fresh license in favour of the 7th respondent running of retail sale of toddy vide shops i.e., within the jurisdiction of Komatikunta and Malakunta area including renewal of the earlier license which is going to be expired on 30-9-2017 forthwith and to pass such other or orders as this Hon'ble Court may deems fit just and proper ...”

2. Heard learned counsel for the petitioner, learned Government Pleader for Prohibition and Excise appearing for respondent Nos.1 to 5, learned Government Pleader for Revenue appearing for respondent No.6 and Sri M.A.K.Mukheed, learned Standing Counsel for respondent No.7.

3. On 31.10.2017, this Court, passed an interim order in W.P.M.P.No.41198 of 2017, which reads as follows:

“ Heard the learned counsel for the petitioner and the learned GP representing the respondents 1 to 5. Perused the material record.

Learned counsel for the petitioner would submit that on the ground that the 7th respondent Society is not a registered Society, the writ petitioner herein filed W.P.No.1147 of 2016 before this Court directing the official respondents to cancel the licence issued in favour of the 7th respondent society and that during the pendency of the said writ petition, the licence period of the 7th respondent Society expired, on 30.09.2017, and that in that view of the matter, the official respondents are taking steps to renew the licence of the 7th respondent

Society, which is unregistered, and that the representation, dated 22.09.2017, of the writ petitioner is kept pending and not disposed of and that the official respondents are not entitled to either granting licence or renew a licence in favour of an unregistered Society.

Learned GP fairly concedes that licence shall not be granted to an unregistered Society, but, *inter alia* contends that an enquiry is undertaken in regard to the complaint of the petitioner herein and that without notice to the 7th respondent no interim order be granted.

Having regard to the facts and submissions, there shall be an interim order directing the official respondents not to renew the licence of the 7th respondent Society unless they are satisfied that the 7th respondent Society is a registered Society and is otherwise entitled for renewal of licence.”

4. In fact, pursuant to the above said interim order, the representation of the petitioner was considered on own merits and the same was rejected, by granting licence to respondent No.7. Thus, further grievance of the petitioner is left open. Thereby, this Writ Petition is closed, for no more orders necessary, much less, to keep it pending.

5. Accordingly, this Writ Petition is closed.

6. Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed. There shall be no order as to costs.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 28.02.2018
pab