

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI

Writ Petition No.29319 of 2016

ORDER: {Per the Hon'ble the Acting Chief Justice Ramesh Ranganathan}

The relief sought for, in this writ petition, is for a writ of mandamus to declare the action of the respondents in not issuing Form-2B bar and restaurant licence, despite complying with all the conditions stipulated under the Andhra Pradesh Excise (Grant of Licence of Selling by Bar and Conditions of Licence) Rules, 2005 (for short "the 2005 Rules"), and despite a written representation having been submitted on 31.12.2015, as illegal and arbitrary.

The 2005 Rules have since been substituted by the Andhra Pradesh Excise (Grant of License of Selling by Bar and Conditions of Licence) Rules, 2017, and a new policy has been formulated by the Government of Andhra Pradesh on 23.06.2017 whereby bar licences are to be granted by drawal of lots. Under the new policy, licences granted before 23.06.2017 are protected; and such licensees are entitled for fresh licences on compliance of the prescribed conditions. The petitioner, admittedly, does not have any such licence. He was granted prior clearance by the Commissioner of Prohibition and Excise, which is only a pre-condition for grant of a bar licence by the Excise Superintendent. The mere fact that prior clearance was granted to the petitioner would not, automatically, result in a licence being granted more so as, in the interregnum, the 2005 Rules have been superseded, and the policy framed by the Government has undergone a sea change.

Sri N.Rajeshwara Rao, learned counsel for the petitioner, would submit that the amount deposited by the petitioner of Rs.12.5 lakhs, for grant of licence, should atleast be directed to be refunded.

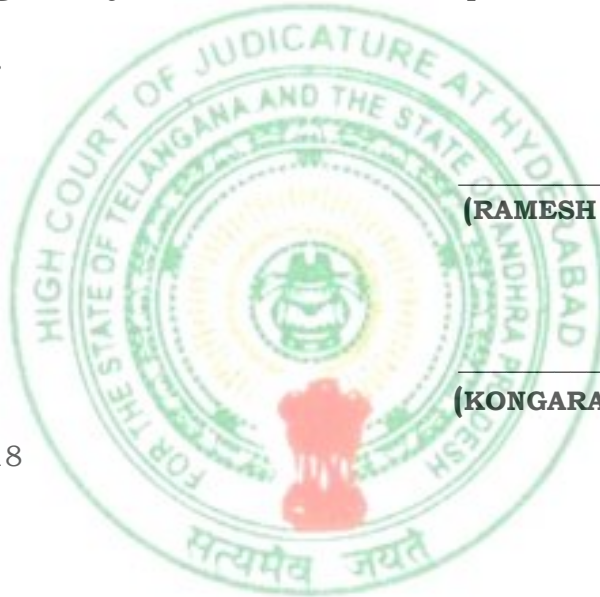
We consider it appropriate, therefore, to dispose of the writ petition permitting the petitioner to make an application to the 2nd respondent, seeking refund of the deposited amount, within ten days from today. The 2nd respondent shall consider the representation and pass orders thereupon, in accordance with law, within four weeks thereafter. In case, the 2nd respondent is satisfied that the amount, which the petitioner seeks refund, is liable to be returned to him, the said amount shall then be paid within two months from the date, an order is passed by the 2nd respondent.

The Writ Petition stands disposed of accordingly. Miscellaneous petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

(KONGARA VIJAYA LAKSHMI, J)

08th February, 2018
JSU



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