

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 16883 OF 2018

ORDER:

The case of the petitioner is that the Society has been granted licence for running two shops; one at Uppuguda and the other at Arundhati Nagar. There is no dispute with regard to the licence granted at Arundathi Nagar. The present Writ Petition is limited to the one granted for the shop at Uppuguda. It is the complaint of the petitioner that the licence has been renewed in favour of Respondents 6 to 10 from 01.10.2017 to 30.09.2022 for a period of five years.

Learned counsel for the petitioner contends that Respondent No.6 is not authorised to seek renewal of licence in favour of the Society as the deponent of the affidavit Sri J. Suresh Kumar Goud, S/o Mallaiah, being the President of the Society alone is competent to seek renewal of the licence for and on behalf of the Society for the shop at Uppuguda as well. The official respondents, ignoring the prevalent legal position, had granted licence in favour of the 6th respondent. The learned counsel has drawn the attention of this Court to the impugned proceedings of the District Prohibition and Excise Officer, dated 19.04.2018, wherein a three-member committee consisting of Station House Officers of Prohibition & Excise Stations of Charminar, Malakpet and Senior Co-operative Inspector was constituted to resolve the disputes between the petitioner on the one hand and Respondents 6 to 10 on the other and the fact that the matter was directed to be kept in abeyance. However, ignoring the same, renewal of licence was recommended by the District & Prohibition Excise Officer in favour of the 6th

respondent and hence, the renewal of licence in favour of the Society at the instance of Respondent No.6 be set aside, submits the learned counsel. It is also the contention of the learned counsel that Respondents 6 to 10 alone are enjoying the fruits of the licence of the shop at Uppuguda though the licence stands in the name of the Society.

On the other hand, the learned Government Pleader for Prohibition & Excise, drawing attention of the Court to the proceedings dated 25.04.2018, would point out that ultimately, the licence in respect of the shops at Uppuguda as well as Arundathi Nagar in Form TS-I were renewed in favour of the Society. Inasmuch as the licence has been renewed in favour of the Society, whether it is on the Application made by the 6th respondent or by the President, is of little consequence as the department is also interested in generating revenue, prohibiting sale of toddy illegally and also regulating the toddy trade.

There is no representation on behalf of Respondents 6 to 10.

Having regard to the submissions made, the fact remains that as on date, renewal has been affected in the name of the Society and not in the name of the individuals i.e. Respondents 6 to 10. Whether Respondents 6 to 10 to run the toddy shop at Uppuguda or it is the petitioner Society, is purely an internal issue between the members of the Society. As the licence has been renewed in favour of the petitioner Society, it is the petitioner society alone which would be entitled to run the shop at Arundhati Nagar. In the event the Society does not wish to continue the trade at Arundhati Nagar, it is always open for the petitioner as the licence holder to surrender the same to the department.

In those circumstances, subject to the above, the Writ Petition is disposed of. No costs.

The miscellaneous Applications, if any pending in this Writ Petition shall stand closed.

CHALLA KODANDA RAM, J

17th April 2019

ksld

