

THE HONOURABLE SRI JUSTICE T.AMARNATH GOUD

WRIT PETITION No.27792 of 2019

ORDER:

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

“For the reasons stated in the accompanying affidavit, it is prayed that Hon’ble High Court may be pleased to issue Writ, Order or Direction more in the nature of Mandamus, or any other Writ declaring the inaction of the Respondents 2 to 4 herein in removing the ‘Katta Maisamma Wines’ (G.No.059) and ‘Kalinga Restaurant & Bar’ from the existing places in Veera Reddy Nagar, Boduppal, Medchal District to somewhere as both are situated below 100 Sq.Mtrs to Educational Institute, Hospital and temple and in spite of submitting representations dt. 23-10-2019 & 24-10-2019 to the Respondents 2 to 4 herein as illegal, arbitrary, violative of Art. 14, 21 of the Constitution of India and Rule 25 of the Telangana Excise (Grant of License of Selling by Shop and Conditions of License) Rules, 2012 and consequently direct the Respondents 2 to 4 herein to remove the said wine shop and Bar (Respondents 5 & 6 herein) from the existing place in Veer Reddy Nagar Colony, Boduppal, Medipally Mandal, Medchal District, to any other place the interest of justice and to pass such other order or orders as this Hon’ble Court deems fit and proper in the circumstances of the case.”

2. Heard Sri D.V.N.Acharya, learned counsel appearing for the petitioner and the learned Government Pleader for Prohibition & Excise appearing for respondents 1 to 4. Perused the material available on record.

3. The main grievance of the petitioner is that despite its representations filed before the respondents, dated 23.10.2019 & 24.10.2019, with regard to removal of respondents 5 & 6 wine shops, which are situated below 100 meters to educational

institutions, hospital and temple, and conducting business in gross violation of Rule 25 of the Telangana Excise (Grant of License of Selling by Shop and Conditions of License) Rules, 2012, till now the respondents have not taken any action against the unofficial respondents 5 & 6.

4. Having regard to the facts and circumstances of the case, the Writ Petition is disposed of directing the 3rd respondent to consider the representations of the petitioner, dated 23.10.2019 & 24.10.2019, hear both parties and pass appropriate orders, in accordance with law, as expeditiously as possible, preferably within a period of four (04) weeks from the date of receipt of a copy of this order. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order.

T. AMARNATH GOUD, J

Date: 16th December, 2019

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