

THE HON'BLE SRI JUSTICE T.VINOD KUMAR

WRIT PETITION No.28272 of 2019

O R D E R:

The present writ petition is filed to declare the action of respondents in not considering the application of the petitioner dated 30.11.2019 in shifting the A-4 shop (Shop No.SSB017) to new premises as being illegal, arbitrary and violative of fundamental rights.

2. Heard the learned counsel for the petitioner and the learned Government Pleader for Excise.

3. Learned counsel for the petitioner submits that since the premises for which the license has been obtained by the petitioner is under demolition by the GHMC authorities on account of being an illegal structure, the petitioner filed application before the fourth respondent authority seeking permission to shift the said shop to a new premises, which is adjacent to the existing licensed premises. It is also submitted by the learned counsel for the petitioner that the said application filed by the petitioner is pending consideration before the fourth respondent, who is required to forward the same to the second respondent authority as the said authority is the competent authority to grant permission for shifting of the existing licensed shop.

4. Learned Government Pleader for Excise submits that the application filed by the petitioner is under consideration and that the same shall be considered by the authorities and necessary orders will be passed in accordance with the provisions of Rule 28 of Andhra

Pradesh Excise (Grant of Licence of Selling by Shop and Conditions of Licence) Rules, 2012.

5. Having regard to the submissions made by the learned Government Pleader for Excise, there shall be a direction to the second respondent to consider the application of the petitioner dated 30.11.2019 for shifting of the shop to new premises, in accordance with law, on or before 30.12.2019. Till the said application is considered and disposed of by the second respondent authority, there shall be no interference by the respondent authorities with the operation of the shop by the petitioner at the present existing licensed premises.

6. Subject to the above observations and directions, the writ petition is disposed of. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

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JUSTICE T.VINOD KUMAR

Date:20.12.2019  
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