

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)**

WEDNESDAY, THE THIRTEENTH DAY OF JULY
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HON'BLE SRI JUSTICE T.VINOD KUMAR

WRIT PETITION NO: 31634 OF 2017

Between:

Chanda Lingaiah, Son of Late Sammaiah age 65 years, occ: agriculture, R/o Karakagudem village and Mandal, Bhadradi Kothagudem District.

...PETITIONER

AND

1. The State of Telangana, rep by the Principal Secretary, Prohibition and Excise (Revenue), Secretariat, Hyderabad.
2. The Commissioner,, Prohibition and Excise, Government of Telangana, Hyderabad.
3. The Superintendent., Prohibition and Excise, Bhadradi Kothagudem District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the Notification Cr.No.171/2017/P&Ex/A2) dt. 13-09-2017 issued by the 3rd respondent, which was published in Gazette No. A4/41/2017 13-09-2017 for Grant of license to sell IMFL and FL through Shop Nos. 31 to 78 (which are comes under Schedule Area) as illegal, arbitrary, contrary to provisions of Rule 5 of Telangana Excise (Grant of licenses of selling by shops and conditions of licenses) Rules 2012 Read with G.O.MS.No. 200, Revenue(Excise-II) Department dated; 12.09.2017 and also PESA Act 1996 and PESA Rules 2011 consequently set-aside the Notification Cr.No.171/2017/P&Ex/A2) dt. 13-09-2017 issued by the 3rd respondent, published in Gazette No. A4/41/ 2017 13-09-2017 in so far as the Schedule Areas are concerned in the State.

I.A. NO: 1 OF 2017(WPMP. NO: 39387 OF 2017)

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay all further proceedings pursuant to the Notification Cr.No.171/2017/P&Ex/A2) dt.

13-09-2017 issued by the 3rd respondent, published in Gazette No. A4/41/ 2017
13-09-2017 in so far as the Schedule Areas are concerned in the State, pending
disposal of the writ petition.

**Counsel for the Petitioner: SRI T. NANDA KISHORE, COUNSEL FOR
SRI E SESHAGIRI RAO**

Counsel for Respondents: GP FOR PROHIBITION & EXCISE

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE T. VINOD KUMAR

Writ Petition No. 31634 of 2017

ORDER:

Sri T.Nanda Kishore, learned counsel representing Sri E.Seshagiri Rao, learned counsel for the petitioner submits that the cause in the Writ Petition does not survive any further for adjudication by this Court and thus, the Writ Petition has become infructuous.

2. Recording the said submission, this Writ Petition is dismissed as infructuous. No order as to costs.

3. Consequently, miscellaneous petitions pending, if any, shall stand closed.

//TRUE COPY//

**SD/-K.VENKAIAH
ASSISTANT REGISTRAR**

SECTION OFFICER

To,

1. One CC to Sri E Seshagiri Rao Advocate [OPUC]
2. Two CCs to GP For Prohibition & Excise, High Court for the State of Telangana. [OUT]
3. Two CD Copies
4. One Spare Copy

MBC
SW

CHP

HIGH COURT

DATED: 13/07/2022



ORDER

WP.No.31634 of 2017

**DISMISSING THE WRIT PETITION AS
INFRACTUOUS, WITHOUT COSTS**

(6)
CHR
12/09/22