

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

WRIT PETITION No.29085 OF 2013

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner, wherein the following prayer is made:

“... to issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus directing respondents No.2 and 3 to permit the petitioner to run his business by opening counter No.17 in the premises shown in License No.215, dated 4-10-2007 and subsequent renewal endorsement vide Cr.No.B/2099-2/2012 dt.1-10-2012 and also direct respondents No.2 and 3 to provide legal protection to the petitioner to run the said toddy counter in the premises shown in the said license in the interest of justice and equity and pass such other order or orders ...”

2. Heard the learned counsel for both sides and perused the record.

3. The grievance of the petitioner is that though he was selling toddy in the premises shown in Licence No.215, dated 04.10.2007, the other licence holders and the respondents herein are not permitting him to do so.

4. Counter is filed by the respondents, wherein it is stated that the licence granted to the petitioner *vide* Licence No.215, dated 04.10.2007, was renewed up to 30.09.2017. As long as the petitioner conducts business in the licenced premises i.e., at counter No.17, as indicated in the licence, dated 04.10.2007, the respondent-officials have no objection and they will not interfere with the toddy selling business of the petitioner in the licenced premises i.e., at counter No.17.

5. As respondents filed counter and categorically stated that they would not interfere with the toddy selling business of the petitioner in the licenced premises i.e., at counter No.17, as indicated in the licence, dated 04.10.2007, and as the period of licence had also expired on 30.09.2017, no orders are required to be passed in this Writ Petition. However, in case of any violation by the petitioner in selling the toddy, the respondent authorities are entitled to take necessary action, in accordance with law.

6. With the above observations, the Writ Petition is disposed of.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed. There shall be no order as to costs.

Dr. SHAMEEM AKTHER, J

Date: 03.01.2022
MD