

THE HON'BLE SRI JUSTICE B. VIJAYSEN REDDY

WRIT PETITION No.34479 of 2022

ORDER:

The writ petition is filed to declare the action of the respondent No.2 in trying to shift the A4 liquor shop No.3 of the respondent No.6 in the name and style of Sri Laxmi Wines, Cherial Municipality, Siddipet, vide G.SI.No.SDP 069 near to shop No.4 of the petitioner vide G.SI.No.SDP 070, situated at premises bearing Plot No.46 in Sy.No.984, Cherial Municipality, Siddipet District, without considering the representation/objections submitted by the petitioner as being illegal, arbitrary and contrary to the provisions of the Telangana Excise Act and Rules made thereunder.

2. Interim order dated 02.09.2022 was passed by this Court.

3. Learned counsel for the respondent No.6 submitted that the writ petition is premature since as of now the application of the respondent No.6 for shifting of his shop has not been considered and even before any orders are passed, the petitioner rushed to this Court and such action of the petitioner lacks bonafides.

4. Learned Government Pleader for Prohibition and Excise submitted that sub-rule 3 of Rule 28 of the Rules enable the respondent No.2 to permit shifting of license shop from one area to

another area by recording valid reasons. So far no orders have been passed.

5. In response thereto, learned counsel for the petitioner submitted that objections have been filed by the petitioner on 30.08.2022 requesting the respondent No.2 not to issue any orders or permission for shifting A4 shop of the respondent No.6.

6. In view of the above, the writ petition is disposed of directing the respondent No.2 to conduct enquiry on the application of the respondent No.6 dated 28.07.2022 seeking shifting of shop from Cherial Municipality to Janagam Road. The objections of the petitioner dated 30.08.2022 shall be duly taken into consideration by the respondent No.2. The petitioner as well as the respondent No.6 shall be given personal hearing before final orders are passed by the respondent No.2 in the application submitted by the respondent No.6 for shifting of his shop. The petitioner is given liberty to submit additional objections and also take legal pleas available under the Telangana Excise Act and the Rules made thereunder.

The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

B. VIJAYSEN REDDY, J

February 24, 2023/DSK