

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

THURSDAY, THE SEVENTEENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE DR. JUSTICE SHAMEEM AKTHER

WRIT PETITION NO: 8717 OF 2022

Between:

1. Pasaragonda Sammaiah, S/o.Ilaiah, Aged about 41 Years, Occ.A-4 Licence Holder, M/s.Hanuman Wines, G.SI.No.PDP010, # 4-7-7, Shop No.1, Ward No.12, Kaman to Jendah Chowrastha Road, Peddapally Town and District.
2. Pulluri Venu Gopal Rao, S/o.Hanumantha Rao, Aged about 53 Years, Occ.A-4 Licence Holder, M/s.Sri Rama Wines, G.SI.No.PDP011, # 3-3-193, Shop No.2, Ward No.12, Kaman to Jendah Chowrastha Road, Peddapally Town and District.

...PETITIONERS

AND

1. The State of Telangana, Rep. by its Principal Secretary, Proh. and Excise Department, Secretariat, Hyderabad.
2. The Commissioner, Proh and Excise, Telangana State, Hyderabad.
3. The Deputy Commissioner, Proh. and Excise Department, Karimnagar Division, Karimnagar.
4. The District Proh. and Excise Officer, Peddapally District at Peddapalli.
5. The Prohibition and Excise Inspector,, Peddapally Station, Peddapally, Peddapally District.
6. B.Anudeep, S/o.B.Rajesham, Aged about 38 years, Occ.A-4 Licence Holder, M/s.Renuka Yellamma Wines, G.SI.No.PDP009, # 4-3497/2 and 4-3-197/3, Ward No.6, Kaman to Rangampalli Main Road, Peddapally Town and 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 any Writ, order or direction more especially one in the nature of Writ of Mandamus declaring the action of the Respondents 2 to 5 in not considering the objections of the Petitioners, Dt.31/01/2022 made pursuant to the Application made by the 6th Respondent, Dt.28/01/2022 for Shifting of his existing A-4 License Shop i.e.,G.SI.No.PDP009, H.No.4-3-197/2 and 4-3-197/3, Ward No.6, Kaman to Rangampalli Main Road, Peddapally Town to the non notified premises bearing H.No.2-7-99/13/2, Ward No.18, Tenuguwada, Peddapally Town as illegal, arbitrary and contrary to Rules under T.S Excise (Grant of License of selling by Shop and Conditions of License) Rules 2012 and consequently direct the Respondents 2 to 5 not to grant any Shifting Permission to the 6th Respondent's A-4 Licence Shop G.SI.No.PDP009, situated at H.No.4-3-197/2 and 4-3-197/3, Ward No.6, Kaman to Rangampalli Main Road, Peddapally Town and District pursuant to his Application, Dt.28/01/2022 by duly considering the objections of the Petitioners, Dt.31/01/2022.

IA NO: 1 OF 2022

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 direct the Respondents 2 to 5 not to grant any Shifting Permission to the 6th Respondent's A-4 Licence Shop G.SI.No.PDP009, situated at H.No.4-3-197/2 and 4-3-197/3, Ward No.6, Kaman to Rangampalli Main Road, Peddapally Town and District pursuant to

his Application, Dt.28/01/2022 by duly considering the objections of the Petitioners,
Dt.31/01/2022 pending disposal of the above writ petition.

Counsel for the Petitioners:SRI. C.HARI PREETH

Counsel for the Respondent No's. 1 to 5: GP FOR PROHIBITION & EXCISE

Counsel for the Respondent No.6:NONE APPEARED

The Court made the following: ORDER

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

WRIT PETITION No.8717 of 2022

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioners, wherein, the following prayer is made.

"...to issue any Writ, order or direction more especially one in the nature of Writ of Mandamus declaring the action of the Respondents 2 to 5 in not considering the objections of the Petitioners Dt.31-01-2022 made pursuant to the Application made by the 6th Respondent Dt.28-01-2022 for Shifting of his existing A-4 License Shop i.e., G.SI.No. PDP009 H.No.4-3-197/2 and 4-3-197/3, Ward No.6, Kaman to Rangampalli Main Road, Peddapally Town to the non-notified premises bearing H.No.2-7-99/13/2 Ward No.18, Tenuguwada, Peddapally Town as illegal, arbitrary and contrary to Rules under T.S.Excise (Grant of License of selling by Shop and Conditions of License) Rules 2012 and consequently direct the Respondents 2 to 5 not to grant any Shifting Permission to the 6th Respondent's A-4 Licence Shop G.SI.No.PDP009, situated at H.No.4-3-197/2 and 4-3-197/3 Ward No.6, Kaman to Rangampalli Main Road, Peddapally Town and District, pursuant to his Application Dt.28-01-2022 by duly considering the objections of the Petitioners Dt.31-01-2022 and to pass such other order or orders.."

2. Heard the learned counsel for the petitioners, learned Government Pleader for Prohibition and Excise appearing for respondent Nos.1 to 5 and perused the record.

3. The learned counsel for the petitioner would submit that the pursuant to the application dt.28.01.2022 submitted by the respondent No.6 to shift his existing A-4 licence Shop i.e, G.SI.No.PDP009, H.No.4-3-197/2 and 4-3-197/3, Ward No.6, Kaman to Rangampalli Main Road, Peddapally Town to non-notified premises bearing No.2-7-99/13/2, Ward No.18, Tenuguwada, Peddapally Town, the petitioners submitted objection petitions dated 31.01.2022 to the authorities concerned. The petitioners

seek a direction to the respondent Nos.2 to 5 to consider their objection petitions and not to grant any permission to the respondent No.6 to shift his A-4 licence shop.

4. On the other hand, the learned Government Pleader for Prohibition and Excise, on written instructions would submit that the application of the respondent No.6 along with the objection petitions of the petitioners were sent to the respondent No.2-Commissioner, Prohibition and Excise, Telangana, as he is the competent authority to accord shifting permission.

5. Since it is submitted by the learned Government Pleader for Prohibition and Excise that the objection petitions of the petitioners are under examination by the respondent No.2-Commissioner, Prohibition and Excise, Telangana, no further orders are required to be passed in this writ petition.

6. With the above observation, this Writ Petition is disposed of.

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

SD/-P.PADMANABHA REDDY
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Proh. and Excise Department, State of Telangana Secretariat, Hyderabad.
2. The Commissioner, Proh and Excise, Telangana State, Hyderabad.
3. The Deputy Commissioner, Proh. and Excise Department, Karimnagar Division, Karimnagar.
4. The District Proh. and Excise Officer, Peddapally District at Peddapalli.
5. The Prohibition and Excise Inspector, Peddapally Station, Peddapally, Peddapally District.
6. One CC to SRI. C.HARI PREETH Advocate [OPUC]
7. Two CCs to GP FOR PROHIBITION & EXCISE, High Court for the State of Telangana. [OUT]
8. Two CD Copies.
9. One Spare Copy.

GB

HIGH COURT

DATED:17/02/2022



ORDER

WP.No.8717 of 2022

**DISPOSING OF THE WP
WITHOUT COSTS.**

(11)

VLV
24/2/22