

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH  
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTY FIRST DAY OF JULY  
TWO THOUSAND AND EIGHT

PRESENT

**THE HON'BLE MR JUSTICE GODA RAGHURAM**  
**WRIT PETITION NO : 21066 of 2006**

Between:

Devarapalli Anji Reddy S/o.Linga Reddy  
R/o.D.No.13-46-9/106,,Narsaraopet, Guntur District  
**..... PETITIONER**

AND

- 1 Government of AP., rep.by its Secretary Revenue (Excise-I) Department, Secretariat,Hyderabad
- 2 The Commissioner for Prohibition and Excise, Nampally Hyderabad
- 3 The Deputy Commissioner,Proh. and Excise, guntur , Guntur District
- 4 The Prohibition and Excise Superintendent, Narsaraopet, Guntur District

**.....RESPONDENT(S)**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue writ order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents in insisting the petitioner to provide RCC Roof as per Rule (6)(1)(i)(a) of the A.P.Excise (Grant of License of Selling by bar and conditions of License), Rules, 2006 as amended by G.O.Ms.No.596 dated 26.5.2006 is illegal, arbitrary, and contrary to the orders passed in WP.No.12067 /06 dated 30.6.2006 and consequently direct the respondents to grant Form-2B Lincence to the petitioner without reference to the amended Rule contained in G.O.Ms.No.596 Revenue (Ex.II) Department dated 26.5.2006 and to pass

**Counsel for the Petitioner:MR.A.JAGANNATHA RAO**

**Counsel for the Respondent No.: GP FOR PROHIBITION & EXCISE**

**The Court made the following :**

**THE HON'BLE SRI JUSTICE  
GODA RAGHURAM**

**W.P.No. 21066 of 2006**

Oral Order:

The petitioner was granted a Form IIB license for establishing a Bar and Restaurant under the provisions of the Andhra Pradesh Excise (Grant of License of Selling by Bar and Conditions of License) Rules, 2006 (for short 'the Rules'). The Rules were amended in G.O.Ms.No. 596 Revenue (Ex.II) Department dated 26-05-2006 whereunder Rule 6 (1)(i)(a) was incorporated *inter alia* stipulating that a minimum plinth area of 150 square meters out of which a minimum of 100 square meters shall be RCC roof structure, is required for grant of a Form IIB license.

As the premises in respect of which the petitioner sought renewal for the excise year 2007-08, does not satisfy the specifications in terms of Rule 6 (1)(i)(a), the petitioner has filed this writ petition for a declaration that the action of the respondents in insisting that he should provide an RCC roof as per Rule 6 (1)(i)(a) is illegal and arbitrary.

A learned Division Bench of this Court by the order dated 30-06-2006 in W.P.No. 12067 of 2006 granted stay of operation of the amended rule 6 (1)(i)(a) of the Rules.

In view of the above order of the Division Bench of this Court, the petitioner was granted a Form IIB license not only for the previous Excise year, but also to the current Excise Year 2008-09 which is subsisting. Needless to mention that the license granted to the petitioner would be subject to the interim orders of the learned Division Bench above and the final outcome of the writ petitions challenging the validity of Rule 6 (1)(i)(a) of the Rules. As the petitioner has no current grievance, no orders need be passed in this writ petition. The writ petition is accordingly disposed of.

No costs.

Dated: 31-07-2008  
pvks

GODA RAGHURAM, J