

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 11502 OF 2017

O R D E R :

Inaction of the 3rd respondent Deputy Commissioner on the endorsement dated 26.12.2016 made by the 2nd respondent District Collector, Guntur, is questioned in this Writ Petition.

The 3rd respondent Deputy Commissioner has permitted the 5th respondent to establish a bar and restaurant in Lanchester Road, Sangadigunta, Guntur District. Objecting the said permission, the petitioner along with other locals, has submitted a representation to the 2nd respondent District Collector, Guntur, who, in turn, made the impugned endorsement directing the 3rd respondent to inspect, enquire and take action and report compliance. Despite the same, the 3rd respondent has not taken any action on the representation of the petitioner.

Heard Sri N.V.R. Amarnath, learned counsel for the petitioner as well as learned Government Pleader for Prohibition & Excise.

Rule 4 of the A.P. Excise (Grant of Licence of Selling by Shop and Conditions of Licence) Rules, 2012 stipulates that while initially fixing the number of shops in an area/locality, the Commissioner is required to examine the requirement of public order, health, safety and other factors, which he thinks fit.

The representation submitted by the petitioner clearly raises a concern about the above-said requirements, which have been enumerated in Rule 4 of the 2012 Rules. The 3rd respondent is therefore, directed to consider the Application of the 5th respondent for grant of permission to establish a bar and restaurant, keeping in view the objections raised by the petitioner and other residents

of the locality and the requirements as laid down in Rules 4 and 25 of the 2012 Rules.

The Writ Petition is accordingly, disposed of. No costs.

Consequently, miscellaneous petitions pending, if any, shall also stand disposed of.

CHALLA KODANDA RAM, J

31st March 2017

ksld

