

**THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM**

**WRIT PETITION No. 11502 OF 2017**

**ORDER :**

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

The 3<sup>rd</sup> respondent Deputy Commissioner has permitted the 5<sup>th</sup> 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 2<sup>nd</sup> respondent District Collector, Guntur, who, in turn, made the impugned endorsement directing the 3<sup>rd</sup> respondent to inspect, enquire and take action and report compliance. Despite the same, the 3<sup>rd</sup> 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 3<sup>rd</sup> respondent is therefore, directed to consider the Application of the 5<sup>th</sup> 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.

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**CHALLA KODANDA RAM, J**

31<sup>st</sup> March 2017

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