

[3483]

(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
TUESDAY, THE ELEVENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY FIVE

:PRESENT:

HONOURABLE THE CHIEF JUSTICE SRI DHIRAJ SINGH THAKUR
AND
THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI
WRIT PETITION NO: 3026 OF 2025



Between:

Bathini Lokanath, S/o. B. Pedda Ranganna, Aged 35 years, R/o. H.No 243,
B.C. Colony, Nakkaladoddi, Atikalagundu Post, Pattikonda Mandal, Kurnool
District, Andhra Pradesh 518347.

Petitioner

AND

1. The State of Andhra Pradesh, rep. by Principal Secretary, Law and Legislative Affairs Department, Secretariat, Velagapudi, Amaravati, Guntur District.
2. The State of Andhra Pradesh, rep. by its Principal Secretary, Revenue - Excise Department, Secretariat, Velagapudi, Amaravati, Guntur District.
3. The Commissioner of Prohibition and Excise,, Government of Andhra Pradesh, Mangalagiri, Guntur District.

Respondents

WHEREAS the Petitioner above named through his Advocate Sri VARUN BYREDDY presented this 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 appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents

a. providing reservation in favour of Geetha Kulalu in Rule 3(3) of the Andhra Pradesh Excise (Grant of Licence of Selling by Shop and Conditions of Licence) Rules, 2024 issued in GO MS No 210 dated 30.09.2024 and in issuing GO MS No. 211 dated 30.09.2024 in reserving 10 percent of the

existing number of shops for Geetha Kulalu and the proviso to Rule 15(1) of the Andhra Pradesh Excise (Grant of Licence of Selling by Shop and Conditions of Licence) Rules, 2024 as arbitrary, irrational and violative of Article 14 and 15 of the Constitution of the India and ultra vires of the provisions of the A.P. Excise Act, 1968 and consequently set aside the said reservation and

b. fixing the annual Retail Excise Tax at 50 percent of the Retail Excise Tax of the open category retail wine shops for Excise years 2024-26 as arbitrary discriminatory and illegal and arbitrary and violative of Article 14 and consequently forbear the State from proceedings further in pursuance of the notification issued by the 2nd Respondent .

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of Sri VARUN BYREDDY Advocate for the Petitioner and of Government Pleader for Prohibition and Excise for respondent Nos. 2 & 3, directed issue of notice to the Respondents herein to show cause as to why this WRIT PETITION should not be admitted.

You viz:

1. The Principal Secretary, The State of Andhra Pradesh, Law and Legislative Affairs Department Department, Secretariat, Velagapudi, Amaravati, Guntur District
2. The Principal Secretary, The State of Andhra Pradesh, Revenue - Excise Department, Secretariat, Velagapudi, Amaravati, Guntur District
3. The Commissioner of Prohibition and Excise, Government of Andhra Pradesh Mangalagiri, Guntur District.

are be and hereby directed to show cause either appearing in person or through an Advocate, as to why in the circumstances set out in the petition and the affidavit filed therewith(copy enclosed) this WRIT PETITION should

not be admitted on or before 25.02.2025 or to which date the case stands posted for hearing.

The Court made the following: ORDER

"Notice.

Service waived by the learned Government Pleader for Prohibition and Excise for respondent Nos. 2 & 3.

Response be filed.

List on 25.02.2025 along with W.P.No. 2551 of 2025."

//TRUE COPY//

For A

**SD/- M.SRINIVAS
ASSISTANT REGISTRAR
SECTION OFFICER**

To,

1. The Principal Secretary, The State of Andhra Pradesh, Law and Legislative Affairs Department Department, Secretariat, Velagapudi, Amaravati, Guntur District
2. The Principal Secretary, The State of Andhra Pradesh, Revenue - Excise Department, Secretariat, Velagapudi, Amaravati, Guntur District
3. The Commissioner of Prohibition and Excise, Government of Andhra Pradesh Mangalagiri, Guntur District.(Nos. 1 to 3 by RPAD- along with a copy of petition and affidavit)
4. One CC to SRI. VARUN BYREDDY Advocate [OPUC]
5. Two CCs to GP FOR PROHIBITION AND EXCISE ,High Court Of Andhra Pradesh. [OUT]
6. Two spare copies.

psk

HIGH COURT

HC,J &
RC,J

DATED:11/02/2025

List on 25.02.2025 along with W.P.No. 2551 of 2025

NOTICE BEFORE ADMISSION

WP.No.3026 of 2025

