

**IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)**

**TUESDAY, THE FOURTEENTH DAY OF MARCH,
TWO THOUSAND AND TWENTY THREE**

:PRESENT:

**THE HONOURABLE SRI JUSTICE NINALA JAYASURYA
WRIT PETITION NO: 4484 OF 2023**



Between:

1. Manchala Chandra Sekhar, S/o Sambasiva Rao Aged about 42 years, Business, Licensee of Vinayaka Restaurant and Bar R/o Lanka Street, MJUC Shool, Vizianagaram.
2. Y.Suresh Kumar, S/o late Suribabu Aged about 41 years, Business, Licensee of Navarang Restaurant and Bar R/o Balaji Nagar, Opp. Chaitanya College, Vizianagaram.
3. Gottimukkala Gayatri, w/o late G.V.Sai Rama Raju Aged about 42 years, House wife, Licensee of Ambika Restaurant and Bar R/o D.No.17-9-21, Behind BSNL Office, Vizianagaram.
4. Kalla Bharathi, w/o late Mahesh Aged about 41 years, House wife, Licensee of Vijay Restaurant and Bar R/o D.No.3-5/2-21, Parapathi Veedhi, Vizianagaram.
5. Judigiri Jayanna, S/o Jagannath Rao Aged about 45 years, Licensee of Victory Restaurant and Bar, R/o Kurnool town.
6. Pasupulati Lakshmi Prasad, S/o Venkata Narasaiah Aged about 57 years, Licensee of Kanikshka Restaurant and Bar, Barma Street NO.2, Madanapalli, Chittoor district.
7. Upputuri Venkata Ramaiah, S/o Venkata Subbaiah Aged about 57 years, Licensee of Kalyani Restaurant And Bar, R/o D.No.16-7-28/2, Gurramvaripalem Kandukuru, Prakasam district.

...Petitioners

AND

1. The State of Andhra Pradesh, resp. by Its Principal Secretary, Excise Department Secretariat, Velagapudi, Amaravathi, Guntur district.
2. The Commissioner, Prohibition and Excise Department, Vijayawada, Krishna district.
3. The Nodal Prohibition & Excise, Superintendent Vizianagaram district.
4. The Nodal Prohibition & Excise, Superintendent Chittoor district.
5. The Nodal Prohibition & Excise Superintendent, Prakasam district.
6. The Nodal Prohibition & Excise Superintendent, Kurnool 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 writ of mandamus or any other appropriate writ or direction declaring the action of the respondents 3 to 6 in not releasing the license fee collected for the Excise year 2005-2006 for which period they were not conducted the business inspite of specific orders/instructions given by the 2nd respondent vide proceedings in C.R.No.7490/2014/CPE/E3, dt.13-4-2022 is illegal, arbitrary, violative of principals of natural justice and contrary to the orders of the Hon'ble Supreme Court in Civil Appeal No5148/2007 and consequently direct the respondents to refund the license

fee paid by the petitioners for bar licenses for the year 2005-06 along with interest at rate of 12% p.a from the date of collecting the license fee for the excise period 2005-06 to till the date of return forthwith.

IA NO: 1 OF 2023

Petition under Section 151 CPC is filed praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct the respondents herein to process for refund of license fee duly collected for the excise period 2005-06 to the petitioners in pursuance of the proceedings in C.R.No.7490/2014/CPE/E3, dt.13-4-2022 by the 2nd respondent herein, pending disposal of WP.No.4484 of 2023, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri G.V.S.Mehar Kumar, Advocate for the Petitioner and GP for Prohibition Excise for the Respondents, the Court made the following;

ORDER:

"As seen from the written instructions dated 07.3.2023 of the District Prohibition & Excise Officer placed before this Court, there is no dispute with regard to the amounts payable to the petitioner Nos.1 to 4. It would also appear that the bills were submitted in CFMS Portal on 07.3.2023. In view of the said position, there shall be a direction to the respondents to make payment of the amounts due to the said petitioners, within a period of six weeks from the date of receipt of a copy of this order:

List the matter after eight weeks."

//TRUE COPY//

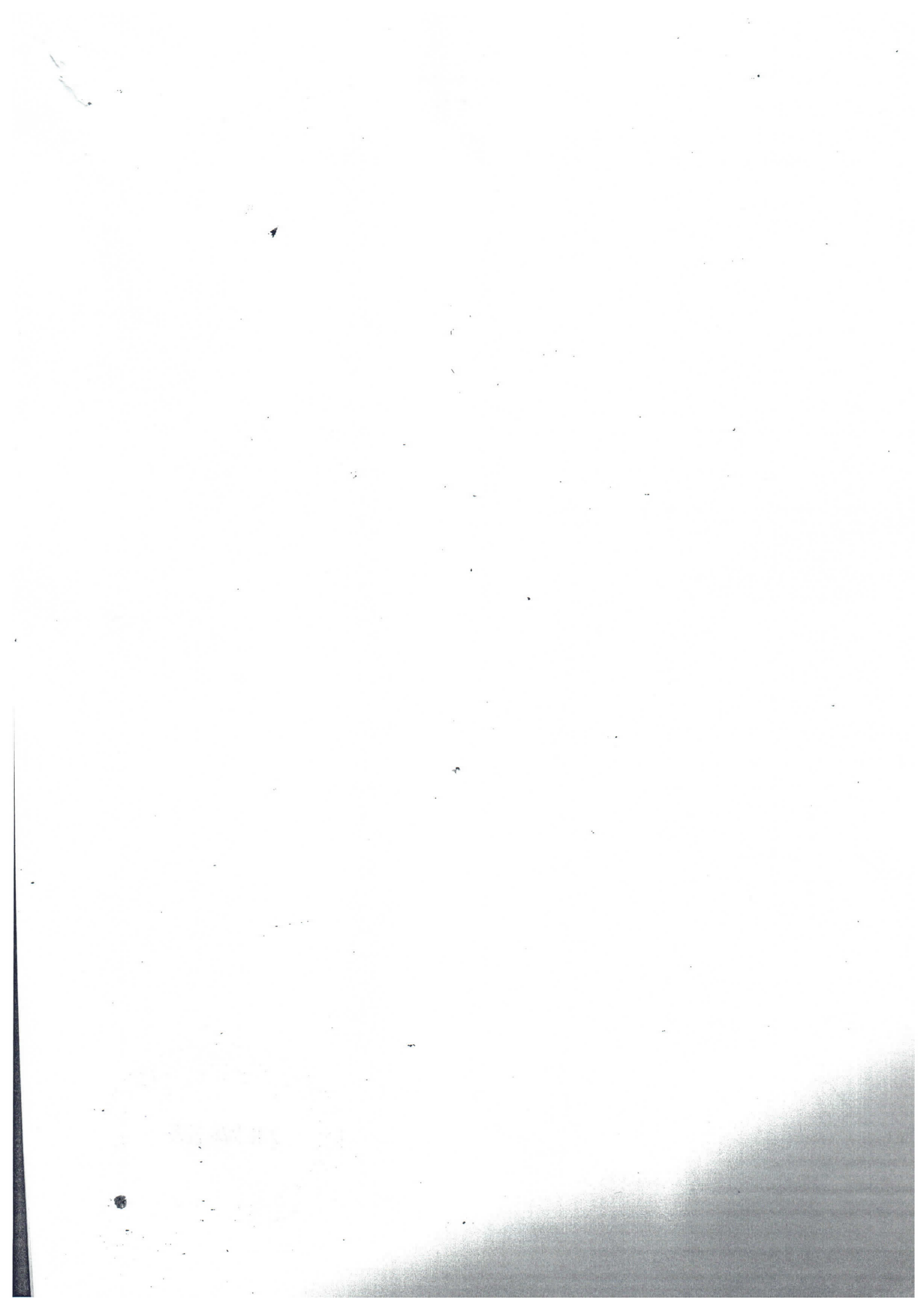
**Sd/- M. SRINIVAS
ASSISTANT REGISTRAR**

For SECTION OFFICER

To,

1. The Principal Secretary, Excise Department Secretariat, Velagapudi, Amaravathi, Guntur District, State of Andhra Pradesh.
2. The Commissioner, Prohibition and Excise Department, Vijayawada, Krishna district.
3. The Nodal Prohibition & Excise, Superintendent Vizianagaram district.
4. The Nodal Prohibition & Excise, Superintendent Chittoor district.
5. The Nodal Prohibition & Excise Superintendent, Prakasam district.
6. The Nodal Prohibition & Excise Superintendent, Kurnool district. (Addressee Nos.1 to 6 by RPAD)
7. One CC to Sri. G.V.S.Mehar Kumar, Advocate [OPUC]
8. Two CCs to GP for Prohibition Excise, High Court of Andhra Pradesh. [OUT]
9. One spare copy

MM



HIGH COURT

NJSJ

DATED:14/03/2023

NOTE: LIST THE MATTER AFTER EIGHT WEEKS

ORDER

WP.No.4484 of 2023

DIRECTION

