

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

MONDAY, THE ELEVENTH DAY OF MARCH
TWO THOUSAND AND TWENTY FOUR

:PRESENT:

THE HONOURABLE SRI JUSTICE NINALA JAYASURYA

IA No. 1 OF 2024

IN

WP NO: 6052 OF 2024

Between:

Talasila Samba Siva Rao, S/o.Satyanarayana, Aged about 63 years,
R/o.Dr.No.29-6-42, Ramachandra Rao Road, Suryaraopeta, Vijayawada,
Krishna District

...Petitioner

AND

1. The State of Andhra Pradesh, rep.by its Principal Secretary, Excise Department Secretariat, Vijayawada, Amaraati, Guntur Dist.
2. The A.P. State Beverage Corporation Ltd., Rep. by its Director 88-2B, Sai Apartments, Poultry Farm Road, Prasadampadu (V), Vijayawada-521108, Andhra Pradesh.
3. The Commissioner of Prohibition and Excise, GM53 + R4P, Lie Colony, Vijayawada, Andhra Pradesh 520008
4. The Depot Manager, APSBCL, IML Depot, Nidamanuru, Krislma District

...Respondents

Counsel for the Petitioner : SMT. N ANULA

Counsel for the Respondent Nos.1&3: GP FOR PROHIBITION EXCISE

Counsel for the Respondent Nos.2&4: SRI D. VENKAT

Petition under Section 151 CPC is filed praying that in the circumstances stated in the grounds filed in support of the petition, the High Court may be pleased to grant stay of all further proceedings in pursuance of the notice dt. 30.01.2024, Pending disposal of WP No. 6052 of 2024, on the file of the High Court.

The court while directing issue of notice to the Respondents herein to show cause as to why this application should not be complied with, made the following order.(The receipt of this order will be deemed to be the receipt of notice in the case).

ORDER:

"Heard learned counsel for the petitioner. Also heard learned counsel appearing on behalf of the 2nd respondent-Corporation, who placed a copy of the proceedings of the OSD (MIS) dated 05.02.2024 for perusal of this Court.

The learned counsel for the petitioner inter alia contends that as per A.P Excise (Grant of licence of selling by shop and conditions of licence) Rules, 2019 issued vide G.O.Ms.No.372 dated 22.08.2019 for shifting of licensed premises, the previous permission of the Commissioner of Prohibition and Excise is mandatory. She submits that in the present case as seen from the references in the impugned notice dated 30.01.2024, no such permission is obtained. She also submits that the impugned notice is issued owing to political pressure as stated in para No.10 of the additional affidavit. The learned counsel also submits that in similar circumstances interim orders were granted by this Court in W.P No.8963 of 2023 dated 12.04.2023.

Considered the submissions. The Rule 11 of the said Rules reads as follows:-

"No change or alteration of the licensed premises shall be made nor the licensed premises shifted elsewhere except with the previous permission of the Commissioner of prohibition and Excise."

As contended by the learned counsel for the petitioner it appears that no such permission is obtained before changing licensed premises. In view of the same, there shall be interim stay as prayed for."

//TRUE COPY//

Sd/- B. CHITTI JOSEPH
ASSISTANT REGISTRAR

SECTION OFFICER

For ASSISTANT REGISTRAR

To,

1. The Principal Secretary, Excise Department Secretariat, Vijayawada, Amaraati, Guntur Dist, State of Andhra Pradesh.
2. The Director 88-2B, Sai Apartments, A.P. State Beverage Corporation Ltd., Poultry Farm Road, Prasadampadu (V), Vijayawada-521108, Andhra Pradesh.

3. The Commissioner of Prohibition and Excise, GM53 + R4P, Lie Colony, Vijayawada, Andhra Pradesh 520008
4. The Depot Manager, APSBCL, IML Depot, Nidamanuru, Krislma District (Addressee Nos. 1 to 4 By RPAD)
5. One CC to SMT. N ANULA Advocate [OPUC]
6. Two CCs to GP FOR PROHIBITION EXCISE, High Court of Andhra Pradesh. [OUT]
7. One CC to SRI. D. VENKAT Advocate [OPUC]
8. One spare copy

Kj

HIGH COURT

NJS,J

DATED:11/03/2024

LIST THE MATTER ON 11.04.2024 FOR FILING COUTNERS OF THE
CONCERNED RESPONDENTS

ORDER

IA No. 1 OF 2024

IN

WP NO: 6052 OF 2024

INTERIM STAY

