

IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI
(Special Original Jurisdiction)

THURSDAY, THE TWENTIETH DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE



PRESENT

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 6796 OF 2025

Between:

Kadiyala Lakshmi, W/o. Chinmaya Reddy, Aged about 34 years, R/o.
Tatipatri Village Podalakur Mandal, SPSR Nellore District

...PETITIONER

AND

1. The State of Andhra Pradesh, Prohibition and Excise Department, Secretariat, Velagapudi, Guntur District, Rep. by its Principal Secretary
2. The Commissioner, Prohibition and Excise Department Vijayawada, Krishna District.
3. The Deputy Commissioner, Prohibition and Excise Department Nellore, SPSR Nellore District.
4. The District Prohibition and Excise Officer, Nellore, SPSR Nellore District.
5. The Station House Officer, Podalakur, SPSR Nellore 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 a writ or direction more particularly in the nature of a Writ of Mandamus under Article 226 of the constitution of India declaring the action of the respondents in not issuing the Form-A4 license to the petitioner for shop with Gazette Serial No.NLR/154/2024-26 in the name Sunrise Wines situated in 7 Ankanams 56 sq. feet in Sy.No.181-1 and 180 in Podalakur village and Grampanchayat, SPSR Nellore District as illegal, arbitrary and Andhra Pradesh Excise (Grant of License of Selling by Shop

and Conditions of License) Rules, 2024 and consequently direct the respondents to grant shop license in Form A-4 to the petitioner for shop at Gazette Serial No.NLR/154/2024-26 in the premises situated in 7 Ankanams 56 sq. feet in Sy.No.181-1 and 180 in Podalakur village and Grampanchayat, SPSR Nellore District by continuing supply of stocks.

IA NO: 1 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondents to consider the petitioner's application for issuance of Form- A4 license at the shop situated in Sy.No. 181-1 and 180 in Podalakur village and Grampanchayat, SPSR Nellore District by continuing supply of stocks, pending disposal of the Writ Petition.

Counsel for the Petitioner: SRI C. SUBODH

Counsel for the Respondent Nos.1 to 4: GP FOR PROHIBITION & EXCISE

Counsel for the Respondent No.5: GP FOR HOME

The Court made the following: ORDER



IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)

[3329]

THURSDAY, THE TWENTIETH DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 6796/2025

Between:

Kadiyala Lakshmi

...PETITIONER

AND

The State Of Ap and Others

...RESPONDENT(S)

Counsel for the Petitioner:

1.C SUBODH

Counsel for the Respondent(S):

1.GP FOR PROHIBITION EXCISE

2.GP FOR HOME

The Court made the following ORDER:

1. This Writ Petition is filed under Article 226 of the Constitution of India seeking the following relief:

"to issue a writ or direction more particularly in the nature of a Writ of Mandamus under Article 226 of the constitution of India declaring the action of the respondents in not issuing the Form-A4 license to the petitioner for shop with Gazette Serial No.NLR/154/2024-26 in the name Sunrise Wines situated in 7 Ankanams 56 sq. feet in Sy.No.181-1 and 180 in Podalakur village and Grampanchayat, SPSR Nellore District, as illegal

arbitrary and Andhra Pradesh Excise Grant of License of Selling by Shop and Conditions of License Rules 2024 and consequently direct the respondents to grant shop license in Form A4 to the petitioner for shop at Gazette Serial No NLR/154/202426 in the premises situated in 7 Ankanams 56 sq feet in Sy No 1811 and 180 in Podalakur village and Grampanchayat SPSR Nellore District by continuing supply of stocks and to pass such other order or orders..."

2. The learned counsel for the petitioner submits that the petitioner was granted a provisional license for the sale of Indian Made Foreign Liquor (IMFL) and Foreign Liquor by the 4th respondent for establishing a shop anywhere within the Jurisdiction of, Podalakuru Mandal, SPSR Nellore District. Holding the provisional license, the petitioner selected premises at Plot No. 220 of Sy. No. 339/C, Thoderu Village, Podalakuru Mandal, SPSR Nellore District, for establishing the shop and for obtaining a regular Form-A4 license. The petitioner also executed a counter-part agreement as per Rule 18 of the Andhra Pradesh Excise (Grant of License for Selling by Shop and Conditions of License) Rules, 2024, and submitted the lease agreement along with other required documents for the grant of the A-4 license. On 04.11.2024, after an inspection by the respondent authorities, i.e., respondents Nos. 4 and 5, it was found that the selected premises was within 40 meters radius of the highway, which is contrary to the Andhra Pradesh Excise (Grant of License for Selling by Shop and Conditions of License) Rules, 2024. Accordingly, the petitioner was instructed to select a new premises for the grant of an A-4 license. In compliance with the instructions of respondents Nos. 4 and 5, the petitioner selected another premises at Sy. No. 181-1 and 180 in Podalakuru

Village and Gram Panchayat, SPSR Nellore District, for establishing the shop under Form-A4. For this purpose, the petitioner entered into an agreement with the owner of the premises on 14.11.2024 and also submitted a bank guarantee along with the blueprint of the plan to respondent No. 5. However, despite the submission of all required documents, for one reason or the other, the respondents Nos. 4 and 5 have neither considered nor granted the A-4 license in favor of the petitioner. Hence the writ petition.

3. On the other hand, the learned Government Pleader appearing for the respondents submits that, except filing documents before this Court, the petitioner has neither submitted any representation, application, nor proposal attaching the documents to be filed before the concerned authorities for consideration and grant of an A-4 license pursuant to the provisional license already granted in favor of the petitioner. If the petitioner submits the required documents before respondents Nos. 4 and 5, the same will be considered, and pass an appropriate order in accordance with the law.

4. Heard the learned counsel for the petitioner and the learned Government Pleader for Prohibition and Excise Department appearing for the respondents.

5. Having considered the submissions made by the learned counsel for the petitioner and the learned Government Pleader appearing for the respondents, and on perusal of the material available on record, this Court is of the considered view that, without going into the merits of the case, the

present writ petition can be disposed of by directing the petitioner to submit a fresh representation/application along with the required documents, i.e., the new lease agreement dated 14.11.2024 and the counter-part agreement as required under Rule 18 of Rules 2024, dated 13.10.2024, within a period of one (01) week from the receipt of a copy of this order. Upon submission of the same, the respondents Nos. 4 and 5 are directed to consider the application and pass an appropriate order accordingly within a period of two (02) weeks thereafter.

6. With the above said direction, the Writ Petition is disposed of. There shall be no order as to costs.

Consequently, Miscellaneous Petitions, if any, pending in the writ petition shall stand closed.

**Sd/- M SRINIVAS
ASSISTANT REGISTRAR**

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Prohibition and Excise Department, Secretariat, Velagapudi, Guntur District.
2. The Commissioner, Prohibition and Excise Department, Vijayawada, Krishna District.
3. The Deputy Commissioner, Prohibition and Excise Department Nellore, SPSR Nellore District.
4. The District Prohibition and Excise Officer, Nellore, SPSR Nellore District.
5. The Station House Officer, Podalakur, SPSR Nellore District.
6. One CC to Sri C. Subodh, Advocate [OPUC]
7. Two CCs to GP for Prohibition & Excise, High Court of Andhra Pradesh. [OUT]
8. Two CCs to GP for Home, High Court of Andhra Pradesh. [OUT]
9. Three CD Copies.

HIGH COURT

DATED:20/03/2025

ORDER

WP.No.6796 of 2025



DISPOSING OF THE W.P. WITHOUT COSTS