

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

**FRIDAY, THE TWENTY SECOND DAY OF MARCH
TWO THOUSAND AND TWENTY FOUR**

PRESENT

THE HON'BLE SRI JUSTICE RAVI CHEEMALAPATI

WRIT PETITION NO: 7243 OF 2024



Between:

P. V. Midhun Reddy, S/o P. Ramachandra Reddy, Occupation member of parliament License of M/s RUBY BAR & RESTAURANT M/s. Ananda Nilayam Hotels Pvt. Ltd., D.No.13-6-759/D, P.K.Layout Jayashyam Talkies Road, Tirupathi, Andhra Pradesh.

...PETITIONER

AND

1. The State of Andhra Pradesh, Rep by the Special Chief Secretary (Revenue Prohibition and Excise Department), A.P. Secretariat, Velagapudi, Amaravati, Guntur Dist.
2. The Commissioner of Prohibition and Excise, State of Andhra Pradesh, Prasadam padu Vijayawada, NTR (Krishna) District.
3. The District Prohibition and Excise Officer, Tirupathi, Chittoor 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 of mandamus more particularly one in the nature of writ order or direction for non considering the case of the petitioner for refund of proportionate licensee of Rs. 19,00,000/- (Rupees Nineteen Lakhs only) and Rs. 10,000 (Ten Thousand only) with 24percent interest as he could not conduct business from 01.07.2014-15. In respect (L.No 14/2006-07 in P.K.layout Tirupathi upto 30-06-2014. For the reason that bar is in the prohibited wards as per the notice issued vide Rc.No.174/2013/AI-4, Dated 26.03.2014 of P&Es Tirupathi as illegal arbitrary and unconstitutional violation of principles of natural justice and violation of Article 14 and 19(1)

(g) of constitution of India and Consequently direct the respondents to consider the representation dated 01.02.2024 and this Hon'ble Court.

IA NO: 1 OF 2024

Petition under Section 151 CPC 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 to consider the representations of petitioners dated 01.02.2024.

Counsel for the Petitioner: SRI V. SRINIVASULA REDDY

Counsel for the Respondents: GP FOR PROHIBITION & EXCISE

The Court made the following: ORDER

APHC010133272024



IN THE HIGH COURT OF ANDHRA PRADESH

AT AMARAVATI

[3332]

(Special Original Jurisdiction)

FRIDAY ,THE TWENTY SECOND DAY OF MARCH
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

WRIT PETITION NO: 7243/2024

Between:

P V Midhun Reddy

...PETITIONER

AND

The State Of Andhra Pradesh and Others

...RESPONDENT(S)

Counsel for the Petitioner:

1.V SRINIVASULA REDDY

Counsel for the Respondent(S):

1.GP FOR PROHIBITION EXCISE

The Court made the following order:

The short grievance of the petitioner is non-refunding the license fee of Rs.19,00,000/- and the application fee Rs.10,000/- by the respondents.

2. Heard V.Srinivasula Reddy, learned counsel for the petitioner and learned Assistant Government Pleader for Prohibition & Excise.

3. Learned counsel for the petitioner in elaboration to what has been stated in the affidavit contended that, the petitioner while obtaining license under Form-2B of Bar and Restaurant he paid Rs.19,00,000/- refundable amount towards license fee and Rs.10,000/- towards application fee respectively. He further contended that, the petitioner closed the business way back in the year 2014 so far the authorities are not refunding the said amount. It would suffice for the time being if a direction is given to the respondent authorities to release the amount to the petitioner in a time bound manner.

4. On the other hand, learned Assistant Government Pleader on written instructions dated 21.03.2024 contended that, the petitioner has not approached the authorities for refund of the license fee and application fee and now filed the present writ petition. He further contended that, the application fee of Rs.10,000/- is not entitled for refund and sought eight (08) weeks time to pay the license fee to the petitioner.

5. Perused the record.

6. The grievance of the petitioner is non-refunding of the amount towards the license fee and application fee to a tune of

Rs.19,00,000/- and 10,000/- respectively. The written instructions of District Prohibition & Excise Officer *vide* Rc.No.226/2024/B, dated 21.03.2024 would indicate that, the petitioner has paid the amounts for license of M/s Ruby Restaurant and Bar for the year 2014-15. However, the license was not renewed as the Bar premises was located in prohibited ward. Since then the amount was not refunded. Now, as the authorities have an intention to release the amount within a period of eight (08) weeks, there is no purpose in keeping the writ petition pending inviting counter.

It is brought to the notice of this Court that in the similar set of facts, this Court has passed orders in W.P.No.8565 of 2023 wherein, a direction was given to the authorities either to refund or adjust the amount for renewal of form-2B. But in the present case, the adjustment does not arise on the ground that the petitioner closed the shop way back in the year 2014-15, as the place is prohibited ward.

7. In view of the same, with consent of both the learned counsel, this Court is inclined to dispose of the present writ petition by passing the following order:

"The authority concerned is directed to refund the refundable license fee to a tune of Rs.19,00,000/- as expeditiously as possible not later than eight (08) weeks from the date of receipt of a copy of this order".

8. Accordingly, the Writ Petition is **disposed of**. No costs.

Miscellaneous applications, pending if any, shall stand closed.

SD/- SHAIK MOHD. RAFI
ASSISTANT REGISTRAR

//TRUE COPY//

PSV
SECTION OFFICER

To,

1. The Special Chief Secretary (Revenue Prohibition and Excise Department), State of Andhra Pradesh, A.P. Secretariat, Velagapudi, Amaravati, Guntur Dist.
2. The Commissioner of Prohibition and Excise, State of Andhra Pradesh, Prasadam padu Vijayawada, NTR (Krishna) District.
3. The District Prohibition and Excise Officer, Tirupathi, Chittoor District.
4. One CC to Sri V. Srinivasula Reddy, Advocate [OPUC]
5. Two CCs to GP for Prohibition & Excise, High Court of Andhra Pradesh. [OUT]
6. Three C.D Copies.

Cnr

MBT

HIGH COURT

DATED: 22/03/2024

ORDER

WP.No.7243 of 2024



**DISPOSING OF THE W.P
WITHOUT COSTS**