



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

WEDNESDAY, THE TWELFTH DAY OF APRIL
TWO THOUSAND AND TWENTY THREE

:PRESENT:

THE HONOURABLE SRI JUSTICE R RAGHUNANDAN RAO

WRIT PETITION NO: 8963 OF 2023

Between:

Medisetty Varaprasad, S/o. V.V.S.S Prabhakara Murthy, Aged. 33, R/o. D.No.3-46, Janakiraopeta, Vella, Ramachandrapuram Mandal, East Godavari District, Andhra Pradesh.

...Petitioner

AND

1. The State of Andhra Pradesh, Rep. by its Special Chief Secretary, Department of Prohibition and Excise, Secretariat, Velagapudi, Amaravati, Guntur District.
2. The Andhra Pradesh State Beverages Corporation Ltd., Rep. by Commissioner of Distilleries & Breweries and Managing Director, Excise Complex, RS No.88-2B, Sai Vihar Apartments, Poultry Farm Road, Prasadampadu (V), Vijayawada-521108, Andhra Pradesh.
3. The Depot Manager, A.P State Beverages Corporation Ltd., Govt. IMFL and FL Depot-II, D.No. 104-8-416, Cherukuri Godowns, Rajamahendravaram, East Godavari District.
4. The A.P State Tourism Development Corporation, Rep. by its Chief Executive Officer, 5th Floor, Stalin Corporate office, Auto Nagar, Industrial Area, Vijayawada.
5. The Divisional Manager, A.P State Tourism Development Corporation, Kakinada.

...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, Order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the notice cum termination of agreement issued in Lr.No.APSBCL/IMFLD/RJVM/ROL/Notice/2022-23/ dated 15-3-2023 as arbitrary, illegal, unjust and against Articles 14 and 19 of the Constitution of India and consequently direct the respondents herein to continue operation of the walk-in store (RO No. 04976) set up in the premises of the petitioner at D.No. 27-1-12, 7th ward, Ramachandrapuram Mandal, Dr. BR Ambedkar Konaseema District until 30-9-2023 by paying monthly rents to the petitioner.

IA NO: 1 OF 2023

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 suspend the operation of the notice cum termination of agreement issued in Lr.No.APSBCL/IMFLD/RJVM/ROL/Notice/2022-23/ dated 15-3-2023 issued by the 3rd respondent, pending disposal of WP 8963 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 P Vivek, Advocate for the Petitioner and of GP for Prohibition Excise for Respondent No.1, Sri Deverakonda Venkatayya, Standing Counsel for Respondent Nos.2 & 3, Sri B. Hanumantha Rao, Standing Counsel for Respondent Nos.4 & 5, the Court made the following

ORDER:

"Sri Deverakonda Venkatayya, learned Standing Counsel appearing for respondent Nos.2 and 3 seeks time to obtain instructions.

***Prima facie*, termination of a lease which is valid till 30.09.2023, on the ground of better commercial prospects, would be arbitrary.**

Accordingly, there shall be interim direction as prayed for, for a period of four (04) weeks.

Post on 08.05.2023."

Sd/- S. SRINIVASA PRASAD
ASSISTANT REGISTRAR

//TRUE COPY//

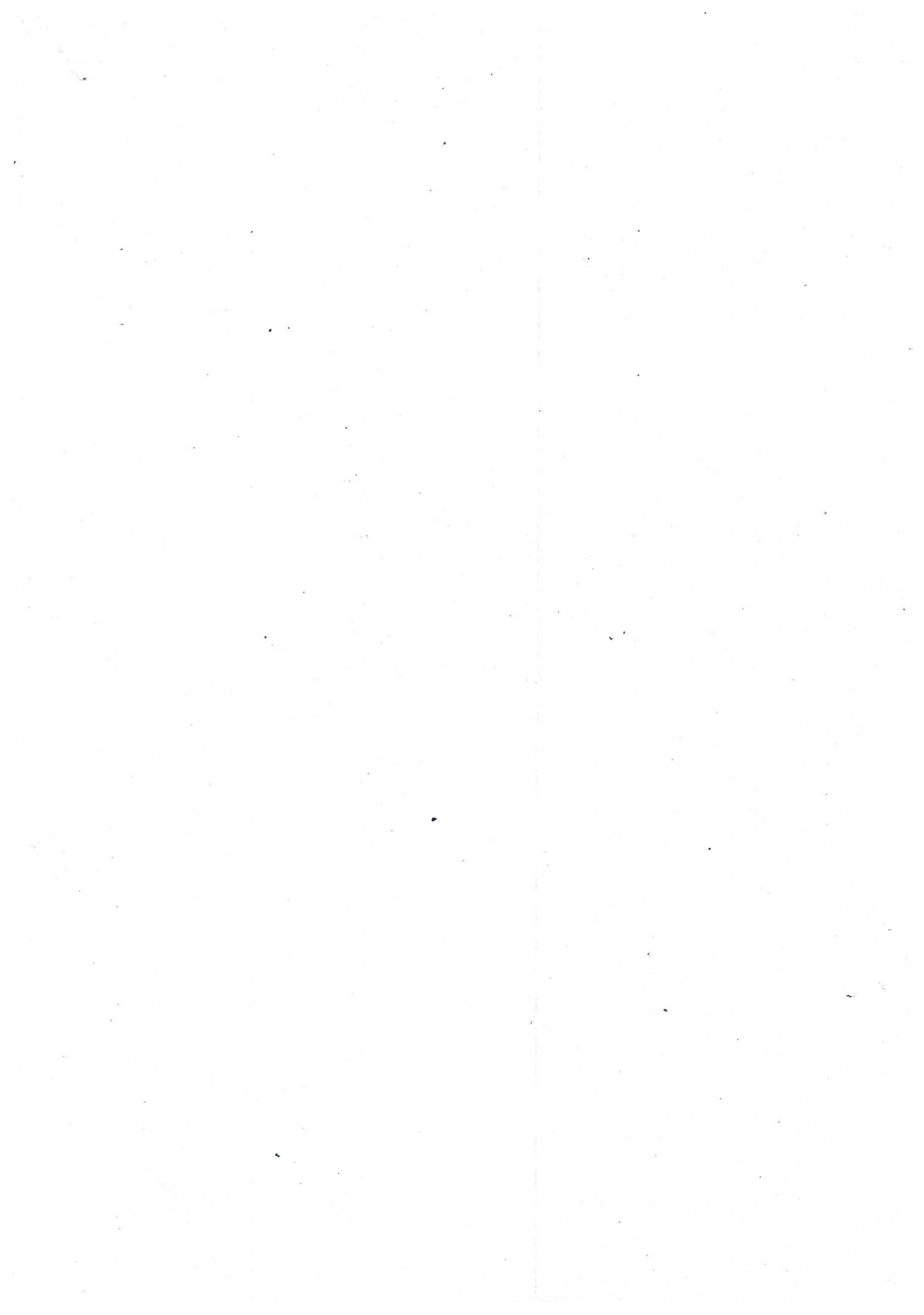
For

SECTION OFFICER

To,

1. The Special Chief Secretary, Department of Prohibition and Excise, State of Andhra Pradesh, Secretariat, Velagapudi, Amaravati, Guntur District.
2. The Commissioner of Distilleries & Breweries and Managing Director, Andhra Pradesh State Beverages Corporation Ltd., Excise Complex, RS No.88-2B, Sai Vihar Apartments, Poultry Farm Road, Prasadampadu (V), Vijayawada-521108, Andhra Pradesh.
3. The Depot Manager, A.P State Beverages Corporation Ltd., Govt. IMFL and FL Depot-II, D.No. 104-8-416, Cherukuri Godowns, Rajamahendravaram, East Godavari District.
4. The Chief Executive Officer, A.P State Tourism Development Corporation, 5th Floor, Stalin Corporate office, Auto Nagar, Industrial Area, Vijayawada.
5. The Divisional Manager, A.P State Tourism Development Corporation, Kakinada. (1 to 5 by RPAD)
6. One CC to Sri. P Vivek, Advocate [OPUC]
7. One CC to Sri Deverakonda Venkatayya, Standing Counsel [OPUC]
8. One CC to Sri B. Hanumantha Rao, Standing Counsel [OPUC]
9. Two CCs to GP for Prohibition Excise, High Court of Andhra Pradesh. [OUT]
10. One spare copy.

MSB



HIGH COURT

RRR,J

DATED:12/04/2023

ORDER

POST ON 08.05.2023

WP.No.8963 of 2023

INTERIM DIRECTION

