

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI

(SPECIAL ORIGINAL JURISDICTION)

WEDNESDAY, THE TWENTY FIRST DAY OF JANUARY

TWO THOUSAND AND TWENTY SIX

:PRESENT:

THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO



WRIT PETITION NO: 24922 OF 2024

Between:

1. Aadivaasi Ikya Kaaryacharana Committee, Rep., by its Chairman, Modiyam Srinivasa Rao S/o Venkatesu, Age. 51 years, Occ. Social Service., R/o Dr.No.5-67, Jeelugumilli (Village), Jeelugumilli Mandal, Eluru District.
2. Sodem Mukkayya, S/o Gangaraju, Age. 38 years, Occ. Bussiness, R/o Gollagudem (V), Buttayagudem (M), Eluru District.
3. Dora Ramarao, S/o Somanna Dora, Age. 46 years, Occ. Social Service, R/o Dr.No.20-150, Lochaliputtu (Village), Paderu Mandal, Aluri Sitarama Raju District.
4. Kondagorre Subbarao, S/o Gasanna, Age. 62 years, Occ. Social Service, R/o 5-27, Pedduru (Village), Seethampeta Mandal, Parvathipuram Manyam District.

...Petitioners

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary, Revenue Department Secretariat, Velagapudi, Amaravathi, Guntur District.
2. The State of Andhra Pradesh, Rep. by its Principal Secretary, Tribal Welfare Department, Secretariat, Velagapudi, Amaravathi, Guntur District.

3. The State of Andhra Pradesh, Rep. by its Principal Secretary, Panchayatraj Department, Secretariat, Velagapudi, Amaravathi, Guntur District.
4. The Commissioner of Prohibition and Excise, Office of Commissioner of Prohibition and Excise, Excise Complex, RS No.88-2B, Sai Vihar Apartments, Poultry Farm Road, Prasadampadu (V), Vijayawada-521108, Amaravathi, Andhra Pradesh.
5. The District Collector, Alluri Sitharama Raju District, Paderu.
6. The District Collector, Parvathipuram Manyam District, Parvathipuram.
7. The District Collector, Eluru District, Eluru.
8. The Deputy Commissioner of Excise, Eluru District, Eluru.
9. The Deputy Commissioner of Excise, Alluri Sitharama Raju District, Paderu.
10. The Deputy Commissioner of Excise, Parvathipuram Manyam District, Parvathipuram.
11. Modiyam Srinivasa Rao, S/o Gangaraju, aged 51 years, R/o. D.No.1-83, Rajanagaram Village, Buttayagudem Mandal, Eluru District.
12. Tama Jagadamba, W/o. T.Chinna Muniyya, Aged 61 years, R/o. D.No.1-65, Jainavarigudem Village, Buttayagudem Mandal Eluru District.
13. Pandu Sreeram, S/o. Balaraju, Aged 26 years, R/o. Barrinkalapadu Village, Jeelugumilli Mandal, Eluru District.
14. Jagidi Venkatesh, S/o. Lachhaiah, Aged 33 years, R/o. D.No.5-80, Kondapalli Village, Kukunoor Manda Eluru District.

15. Kovvasu Rajendra Prasad, S/o. K.Krishna Murthy, Aged 29 years, R/o. Antharvedigudem Village, Buttayagudem Mandal, Eluru District
16. Chirri Surendra Kumar, S/o. Parameswara Rao, Aged 34 years, R/o. D.No.2-20, Main Road, Barinkalapadu Village, Jeelugumilli Mandal, Eluru District.
17. Buddula Prasad, S/o. Lakshmudu, Aged 37 years, R/o. D.No.13-19, Veerannapalem, Buttayagudem Village and Mandal Eluru District
18. Punem Krishna, S/o. Gangaraju, Aged 41 years, R/o. Korsavarigudem Village, Buttayagudem Mandal, Eluru District.
19. Bottada Ravi Babu, S/o B.Neelakantu, Aged 38 years, R/o. Gummalakshmipuram, Vizianagaram District.
20. Toyaka Damodara, S/o. (late) Dalimma, Aged 54 years, R/o. Savarakotapadu Village, Gummalakshmipuram Mandal, Parvathipuram Manyam District.
21. Vataka Kavya, W/o. Venkata Rao, Aged 24 years, R/o. Donubai Village, Seethampeta Mandal, Parvathipuram Manyam District.
22. Annapurna Kondagorri, W/o. Kurmayya, Aged 38 years, R/o. Haddubhangi Village, Seethampeta Mandal, Parvathipuram Manyam District.
23. Chodi Satyanarayana, S/o. Apparao, Aged 50 years, R/o. D.No.4-38, Nellimetla Colony, Ramalayam, Rajavommangi, East Godavari District.
24. Konteli Mohan Rao, S/o. K.Appalanaidu, Aged 39 years, R/o. Kinnamguda, Gattum Post, Kithalangi Mandal, Visakhapatnam District.

25. Challangi Vara Prasad, S/o. C.krishna Rao, Aged 39 years, R/o. Kothaveedhi, Vanchulagudem, Visakhapatnam District
26. Majji Dombu, S/o. Somu, Aged 70 years, R/o. Majji Valasa, Araku, Visakhapatnam District.
27. Vanthala Vinod, S/o. V.Malki, Aged 27 years, R/o. D.No.15-26, Sagam Valasa, Sunkarametta, Visakhapatnam District.
28. Marugodi Chiranjeevi, S/o. Chinna Gangaraju, Aged 38 years, R/o. Lammasingi, Chintapalli Mandal, Visakhapatnam District.
29. Korra Sriramulu, S/o. Chinnalah, Aged 33 years, R/o. D.No.2-71, Maradhaguda, Ananthagiri Mandal, Visakhapatnam District
30. Killo Purushotham, S/o. K.Dombu, Aged 54 years, R/o. D.No.9-96, Sonayi Street, Chintapalli Village, Alluri Sitharamaraju District.
31. Boribori Satyanarayana, S/o. Basha, Aged 34 years, R/o. D.No.1-166, B Colony, Araku Valley, Visakhapatnam District.
32. Gemmelli Subhash, S/o. Gasi, Aged 41 years, R/o. D.No.14-43, Kaduthula, Panasaputtu, Penasaput, Visakhapatnam District.
33. Nesam Ramakrishna, S/o. Baburao, Aged 53 years, R/o. D.No.1-80, Aminabad Colony, Rajavommangi Mandal, East Godavari District.
34. Korra Shivanagesh, S/o. K.Neelakantam, Aged 25 years, R/o. Varra Village, Araku Valley Mandal, Visakhapatnam District.
35. Vanthala Chinnamnaidu, S/o.(late) V.Seethanna, Aged 35 years, R/o. D.No.C-29, Araku Main Road, Near ZPH School, Dumbriguda Mandal, Visakhapatnam District.
36. Ganjai Pramila, W/o. Nukaraju, Aged 32 years, R/o. Ontipaka, Kinchumanda, Visakhapatnam District.

37. Kosuri Chinnabbayi, S/o. Chantabbayi, Aged 31 years, R/o. D.No.1-151, Vanchangi Panchayat, Rajavommangi Mandal East Godavari District.
38. Kankipati Sai Vara Venkat Mahesh, S/o. K.Kothannapadal, Aged 23 years, R/o. D.No.1-43, Lakkavarapupeta, GK veedhi Mandal, Visakhapatnam District.
39. Kankipati Veerandra Prasad, S/o. K.Kothannapadal, Aged 37 years, R/o. D.No.1-43, Lakkavarapupeta, GK veedhi Mandal, Visakhapatnam District.
40. Urugonda Prasad, S/o.U.Laxmayya, Aged 32 years, R/o. D.No.3-50, Cheedimetta Village, Paderu Mandal, Alluri Sitharamaraju District
41. Gorle Venkata Gari Prasanth, S/o. G.Raju, Aged 31 years, R/o. D.No.7, Jarrella, Gudemkotha Veedhi, Visakhapatnam District.
42. Kadulla Gangadhar, S/o. Raju, Aged 41 years, R/o. D.No.56, Chowdupalle, Chintapali, Visakhapatnam District.
43. Pangi Rajeswari, D/o. Lakshmana, Aged 37 years, R/o. Gujjumanipakkalu, Krishnadevipeta, Kondagokira, Visakhapatnam District.
44. Chedala Srinivasu Reddy, S/o. Gangi Reddy, Aged 41 years, R/o. D.No.2-36, Gangampalem, Devipatnam Mandal, East Godavari District.
45. Kursam Ramalakshmi, W/o. Pentaiah, Aged 35 years, R/o. D.No.1-18, Tulugonda Village, Chinturu Mandal, East Godavari District.
46. Kursam Pothuraju, S/o. Ganganna Dora, Aged 34 years, R/o. D.No.3-14, Penikilapadu, Devipatnam Mandal, East Godavari District

47. Pallala Sekhara Reddy, S/o. P.Abbai Reddy, Aged 36 years, R/o. D.No.2-22, Nulakamiddi Road, Yarlagadda Panchayat, Komaravaram Mandal, East Godavari District.
48. Paddam Venu, S/o. P.Sri Ramulu, Aged 28 years, R/o. D.No.1-4, Gattugudem Village, Kannaigudem Panchayat, Yatapaka Mandal, East Godavari District.
49. Komaram Ravi Teja, S/o. K.Krishna, Aged 28 years, R/o. D.No.1-7, Community Hall Center, Devaram Village, Devipatnam Mandal, East Godavari District
50. Peeta rajasekhar, S/o. P.Viswanadham, Aged 34 years, R/o. D.No.1-17/A, Madhya Veedhi, Bayyanapallem, Nellipudi, East Godavari District.
51. Kaka Sudhakar, S/o. Jogarao, Aged 38 years, R/o. D.No.2-91, Nellipaka, Yatapaka, Murumuru, East Godavari District.
52. Penuballi Nakshatra, W/o. Tirupathi Rao, Aged 38 years, R/o. D.No.B1-148, Kannaigudem Village, Yatapaka Mandal, East Godavari District.
53. Meliga Maheswar Rao, S/o. M.Malluru, Aged 35 years, R/o. D.No.1-28, Yanambailu, Palvancha Mandal, Bhadradi Kothagudem District, Telangana State.
54. Seesam Venkatesh, S/o S.Adhaiah, Aged 35 years, R/o. D.No.1-62, Bojjiguppa Village, Yatapaka Mandal, East Godavari District.
55. Punem Ramu, S/o. P.Rajaiah, Aged 35 years, R/o. D.No.2-17, Kuyuguru Village, East Godavari District
56. Bokili Kannarao, S/o Siramaiah, Aged 32 years, R/o. D.No.1-27, Chidumurum, Khammam District, Telangana State.
57. Pandi Naresh, S/o. Pullaiah, Aged 35 years, R/o. D.No.10-80/E/A/1, Santha Bazar, Wyra, Khammam District, Telangana State

58. Penubali Chandramohan, S/o.(late) P.Bhadraiah, Aged 45 years, R/o. D.No.1-32, Kannaigudem Village, Yatapaka Mandal, East Godavari District.

59. Madiyam Ravi, S/o. Mallesh, Aged 28 years, R/o D.No.3-29, Lakkavaram Village, Chinturu Mandal, East Godavari District.

60. Bodda Ramesh, S/o. Lakshmaiah, Aged 37 years, R/o. D.No.1-22, Ramavaram, Chopalle, East Godavari District.

Respondent Nos.11 to 60 are impleaded as per the Court's Order dt.20.03.2025 in I.A.No.01 of 2024.

...Respondents

Petition under Article 226 of the Constitution of India is filed 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, declare the action of Respondent No 4 to 10 in allotting liquor shops in Agency 5th Scheduled Areas by Drawl of Lots without obtaining prior permission of concerned Grama Sabha is bad, arbitrary, illegal, un constitutional, clear violation of Constitution of India, and set-aside G.O.Ms.No.211, Revenue (Excise), Dt. 30 September, 2024 to the extent of its application/implementation in Agency 5th Schedule Areas and consequently direct the Respondents not to implement its Excise policy in the Agency 5th Scheduled area without obtaining prior permission of the concerned Grama Sabha;

The petition coming on for hearing, upon perusing the Petition and the memorandum of grounds filed in support thereof and the earlier order of the High Court dated. 07.01.2026 upon hearing the arguments of Sri Sriman, Advocate for the Petitioners and GP for Revenue for the Respondent Nos.1, 5 to 7 and GP for Tribal Welfare for the Respondent No.2 and GP for Excise for the Respondent Nos.4, 8 to 10 and Sri Gijupalli Subba Rao, Advocate for the Respondent Nos.11 to 60, the Court made the following;

ORDER:

This Court on 07.01.2026 has directed the respondent No.8 to appear before this Court along with the Grama Sabha resolution.

As directed by this Court, the respondent No.8 appeared and requested one (01) week time to file relevant documents before this Court.

At the request of the respondent No.8 and the learned Government Pleader for Prohibition Excise, post the matter on 28-01-2026.

Let the respondent No.8 shall be present before this Court on the next date of hearing.

//TRUE COPY//

SD/- K.SRINIVASA RAJU
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. The Deputy Commissioner of Excise, Eluru District, Eluru. (by **Speed Post**)(directed to appear before this Court on the next date of hearing i.e., on 28.01.2026)
2. One CC to Sri. Sriman, Advocate [OPUC]
3. Two CCs to GP for Revenue, High Court of Andhra Pradesh. [OUT]
4. Two CCs to GP for Tribal Welfare, High Court of AP [OUT]
5. Two CCs to GP for Excise, High Court of AP [OUT]
6. One CC to Sri Ginjupalli Subba Rao, Advocate [OPUC]
7. One spare copy

ADP

HIGH COURT

TRR,J

DATED: 21/01/2026

LIST THE MATTER ON 28.01.2026

ORDER

WP.No.24922 of 2024

APPEARANCE

