

[3330]

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

(SPECIAL ORIGINAL JURISDICTION)

WEDNESDAY, THE ELEVENTH DAY OF FEBRUARY

TWO THOUSAND AND TWENTY SIX

:PRESENT:

THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO

WRIT PETITION NO: 26042 OF 2024



Between:

1. Sri Chandrapu Thoyaj, S/o Veera Venkata Surya Prakash Rao late Aged 62 years, R/o Pindiproluvari Street, Near TTD Kalyanamandapam Kakinada District, Andhra Pradesh.
2. Sri. Paravastu Pattarabhiran Janardhan, S/o Raghavacharyulu, Aged 41 years, Pindiproluvari Street, Kakinada Kakinada District, Andhra Pradesh.
3. Sri. Pithani Srinivasarao, S/o Veera Raghavulu, Aged 55 years, R/o Avasaralavari Street, Balajicheruvu, Kakinada, Andhra Pradesh.
4. Sri. Degala Satya Suresh, S/o Satyababu, Aged 33 yetirs, R/o Pindiproluvari Street, Ramayalam Kakinada, Kakinada District, Andhra Pradesh
5. Sri. Chimalakonda Maruthi Venkata Ram, S/o Venkata Surya Kameswararao, Aged 47 years, R/o Pindiproluvari Street, Behind TTD, Kakinada, Andhra Pradesh.
6. Sri. Sirivella Ganesh Babu, S/o Anjaneyulu, Aged 54 years, R/o Pulavarthyvari Street, Kakinada District, Andhra Pradesh.
7. Sri. Lanka Venkata Srinivasarao, C/o Venkata Srinivasa Rao Aged 67 years, R/o Duggiralavari Street, Vinayaka Temple, Kakinada Andhra Pradesh.
8. Sri. V. Venkata Nagesh Sharma, S/o V. Venkata Ramana Late Aged 74 years, R/o Duggiralavari Street Kakinada, Andhra Pradesh.

9. Sri. Degala Satish Kumar, S/o Degala Venkanna Late Aged 48 years,
R/o Prejar Peta, Kakinada Distriet Andhra Pradesh.

Petitioners

AND

1. The State of Andhra Pradesh, Rep by its Principal Secretary to
Government Revenue (Excise) Department, Tulluru, Secretariat
Buildings Velagapudi, Guntur District Andhra Pradesh.
2. The District Collector, Kakinada, Kakinada District Andhra Pradesh-
533001
3. The Commissioner of Prohibition and Excise, Petrol bunk junction left
turn, NH214, Nagamallithota, 5 Buildings center, Paidavari Veedi,
Nagavanam, Rajeshwari Nagar, Kakinada, Andhra Pradesh 533003.
4. The Superintendent, Prohibition and Excise Department,
Nagamallithota, 5 Buildings center, Paidavari Veedi, Nagavanam,
Rajeshwari Nagar, Kakinada, Andhra Pradesh - 533003.
5. Sri. Vadlamui Somaraju, S/o Saibaba, Occ: Business, Aged 40 years,
Beside TTD Kalyanamandapam Kakinada, Andhra Pradesh -533001.

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 an appropriate writ more in the nature of Writ of Mandamus declaring the action of the Respondents in not considering their case nor giving any opportunity of personal hearing to explain their grievance resisting the move on the part of the Respondent Nos. 3 and 4 and going ahead with the issuance of permanent license to run the wine shop business being established by the unofficial Respondent in the vicinity of religious place/school/hospital/ residential zone, in most hurried manner without considering the objections raised by the Petitioners as being arbitrary, illegal and violating Articles 14, 16 and 21 of the Constitution of India, against the principles of natural justice and also in contravention of the Excise and Prohibition Act and the Rules framed thereunder and consequently direct the

Respondents to cancel the provisional license granted to the 5th Respondent and issue such other writ or order or direction as deemed fit and proper in the circumstances of case.

IA NO: 1 OF 2024

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 direct the Respondent Nos. 2 to 4 not to issue the permanent license to the 5th the Respondent without considering the application made/ grievances ventilated by the Petitioners, Pending disposal of WP 26042 of 2024, 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 SRI VIJAY MATHUKUMILLI, Advocate for the Petitioners, learned GP FOR REVENUE for the Respondent Nos.1&2, learned GP FOR PROHIBITION & EXCISE for the Respondent Nos.3 to 5, the Court made the following ORDER:

The contention of the petitioner is that the 5th respondent established a liquor shop with two permit rooms without obtaining any permission from the respondent authorities, contrary to Rule 24 of the Andhra Pradesh Excise(Grant of License of selling by shop and conditions of license) Rules, 2024. Despite the said fact has been brought to the notice of the official respondents, there is no action. Hence, the petitioner preferred the present writ petition seeking a direction to the official respondents to take appropriate action on respondent No.5.

Learned counsel for respondent No.5 disputed the same and submitted that the respondent No.5 is running the shop with only one permit room and is conducting business strictly in accordance with the license conditions. Hence, the contention raised by the petitioner is false.

Since disputed questions of fact are involved in the present writ petition, this Court cannot adjudicate the matter under Article 226 of the Constitution of India. However, to resolve the dispute, this Court is inclined to appoint an Advocate Commissioner.

Accordingly, Sri Kambampati Ramesh Babu, learned counsel, is appointed as an Advocate Commissioner to ascertain whether respondent No.5 is operating the shop with two permit rooms contrary to the license conditions, within the radius of 100 meters at Balaji Cheruvu Center, Kakinada.

The fee for the Advocate Commissioner is fixed at Rs.30,000/- (Rs.15,000/- each from the petitioner and respondent No.5), excluding expenses.

The Advocate Commissioner is directed to file a report within a period of two (02) weeks from the date of receipt of a copy of this order.

List the matter after two (02) weeks.

SD/- K.SRINIVASA RAJU
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

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To,

1. The Principal Secretary to Government, State of Andhra Pradesh, Revenue (Excise) Department, Tulluru, Secretariat Buildings Velagapudi, Guntur District Andhra Pradesh. (BY SPECIAL MESSENGER)
2. The District Collector, Kakinada, Kakinada District Andhra Pradesh- 533001
3. The Commissioner of Prohibition and Excise, Petrol bunk junction left turn, NH214, Nagamallithota, 5 Buildings center, Paidavari

veedi, Nagavanam, Rajeshwari Nagar, Kakinada, Andhra Pradesh
533003.

4. The Superintendent, Prohibition and Excise Department,
Nagamallithota, 5 Buildings center, Paidavari veedi, Nagavanam,
Rajeshwari Nagar, Kakinada, Andhra Pradesh - 533003.
5. Sri. Vadlamui Somaraju, S/o Saibaba, Occ: Business, Aged 40
years, Beside TTD Kalyanamandapam Kakinada, Andhra Pradesh -
533001. (Addressee Nos.2 to 5 by SPEED POST)
6. One CC to SRI. SRI VIJAY MATHUKUMILLI Advocate [OPUC]
7. **Sri Kambampati Ramesh Babu, Advocate** (By SPECIAL
MESSENGER- along with copy of petition & affidavit and all material
papers)
8. Two CCs to GP FOR REVENUE, High Court Of Andhra Pradesh.
[OUT]
9. Two CCs to GP FOR PROHIBITION & EXCISE, High Court Of
Andhra Pradesh. [OUT]
10. One spare copy

Kj

HIGH COURT

TRR,J

DATED:11/02/2026

LIST THE MATTER AFTER TWO WEEKS

ORDER

WP.No.26042 of 2024

DIRECTION

