

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

THURSDAY, THE FIFTH DAY OF DECEMBER,
TWO THOUSAND AND TWENTY FOUR



:PRESENT:

HONOURABLE SRI JUSTICE GANNAMANENI RAMAKRISHNA PRASAD
WRIT PETITION NO: 28653 OF 2024

Between:

Esanaka Siva Prasanna Reddy, son of Srinivasulu Reddy, aged about 42 years, Occ Business, resident of Narikellapalli, Nellore, SPSR Nellore District

...Petitioner

AND

1. The State of Andhra Pradesh, rep. by its Principal Secretary, Prohibition and Excise Department, Secretariat Building, Velagapudi, Guntur District.
2. The Commissioner of Prohibition and Excise Department, Vijayawada, AP.
3. The District Collector and Magistrate, SPSR Nellore District, Nellore
4. The Assistant Commissioner of Prohibition and Excise, Nellore District. Nellore, SPSR.
5. The Deputy Commissioner of Prohibition and Excise Department, Nellore, SPSR Nellore District.
6. The District Prohibition and Excise Officer, Nellore, SPSR Nellore District.
7. The Station House Officer, Prohibition and Excise, Station, Nellore-1

...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 by declaring the impugned proceedings viz., Notice vide

Rc.No.30/2024/A1 dated 30.11.2024 of the 6th respondent directing to relocate the existing petitioner's A-4 liquor shop namely. M/s Lucky wines from the premises i.e., D.No.8-78-24, Walkers Road, Parameswari Nagar, Nellore to any other place after permitting the petitioner to commence the business operations after due verifications as illegal, arbitrary, unconstitutional, without any jurisdiction and contrary to the scheme of Andhra Pradesh Excise (Grant of Licence of Selling by Shop and Conditions of Licence) Rules, 2024 notification as issued through G.O.Ms.No.210 Revenue (Excise) Department dated 30.09.2024 and consequently set aside the impugned proceedings.

IA NO: 1 OF 2024

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 stay of all further proceedings in connection with Notice vide Rc.No.30/2024/A1 dated 30.11.2024 of the 6th respondent by granting police protection to the petitioner's shop M/s Lucky wines of the premises i.e., D.No.8-78-24, Walkers Road, Parameswari Nagar, Nellore, Pending disposal of WP 28653 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 V Surendra Reddy, Advocate for the Petitioner, GP for Revenue for the respondent No.3 and of Sri P.Nagaraju, GP for Prohibition & Excise for the Respondent Nos.1, 2 & 4 to 7, the Court made the following

ORDER:

“Heard Sri V.Surrendra Reddy, Learned Counsel for the Writ Petitioner and Sri P.Nagaraju, Learned Government Pleader for Prohibition & Excise.

2. Having regard to the facts and circumstances of the case, the impugned Notice bearing Rc.No.30/2024/A1 dated 30.11.2024 (Ex.P.1) shall remain suspended until the next listing.

3. Liberty to the Counsel for the Writ Petitioner to implead necessary parties in the meantime.

4. List the matter on 19.12.2024.”

SD/- K. KASIRAO ACHARI
ASSISTANT REGISTRAR

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SECTION OFFICER

//TRUE COPY//

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To

1. The Principal Secretary, State of Andhra Pradesh, Prohibition and Excise Department, Secretariat Building, Velagapudi, Guntur District.(by Special Messenger)
2. The Commissioner of Prohibition and Excise Department, Vijayawada, AP.
3. The District Collector and Magistrate, SPSR Nellore District, Nellore
4. The Assistant Commissioner of Prohibition and Excise, Nellore District. Nellore, SPSR.
5. The Deputy Commissioner of Prohibition and Excise Department, Nellore, SPSR Nellore District.
6. The District Prohibition and Excise Officer, Nellore, SPSR Nellore District.
7. The Station House Officer, Prohibition and Excise, Station, Nellore-1 (Addressee nos.2 to 6 by RPAD)
8. One CC to SRI. V SURENDRA REDDY Advocate [OPUC]
9. Two CCs to GP for Prohibition & Excise, High Court of Andhra Pradesh. [OUT]
10. Two CCs to GP for Revenue, High Court of Andhra Pradesh. [OUT]
11. One spare copy

CVSS

HIGH COURT

GRKP,J

DATED:05/12/2024

LIST THE MATTER ON 19.12.2024.

ORDER

WP.No.28653 of 2024

DIRECTION

