



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

[3328]



FRIDAY ,THE SIXTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

**THE HONOURABLE SRI JUSTICE GANNAMANENI RAMAKRISHNA
PRASAD**

WRIT PETITION NO: 28786/2024

Between:

1.KONDAPALLI GANESH, S/O KOTESWARA RAO AGED ABOUT
SSYEARS, OCC BUSINESS R/05-4-28, STATION BASTHI,
YELLANDU, KHAMMAM DISTRICT, TELANGANA STATE

...PETITIONER

AND

- 1.THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL
SECRETARY PROHIBITION AND EXCISE DEPARTMENT AP
SECRETARIAT, VELAGAPUDI, AMARAVATI, GUNTUR DISTRICT.
- 2.THE COMMISSIONER OF PROHIBITION AND EXCISE,
VIJAYAWADA, ANDHRA PRADESH.
- 3.THE DEPUTY COMMISSIONER OF PROHIBITION AND EXCISE,
ANANTHAPURAM, ANATHAPURAMU DISTRICT.
- 4.THE DISTRICT PROHIBITION AND EXCISE OFFICER,
PUTTAPARTHY, SRI SATYASAI DISTRICT.
- 5.THE STATION HOUSE OFFICER, PROHIBITION AND EXCISE
STATION,DHARMAVARAM SRI SATYASAI DISTRICT.
- 6.THE DY SUPERINTENDENT OF POLICE DSP, DHARMAVARAM, SRI
SATYA SAI DISTRICT
- 7.THE STATION HOUSE OFFICER, TADIMARRI POLICE STATION SRI

SATYA SAI DISTRICT

...RESPONDENT(S):

Counsel for the Petitioner:

1.KIRAN TIRUMALASETTI

Counsel for the Respondent(S):

1.GP FOR PROHIBITION EXCISE

2.GP FOR HOME

The Court made the following:

Heard Sri Chidambaram, learned Senior Counsel appearing on behalf of Sri T. Kiran, learned Counsel for the Writ Petitioner; Sri P. Nagaraju, learned Government Pleader for Excise and Sri P. Ajay Babu, learned Assistant Government Pleader for Home.

2. Sri P. Nagaraju, learned Government Pleader for Excise has drawn the attention of this Court to the third proviso to Rule 22 of the Andhra Pradesh Excise (Grant of Licence of Selling by Shop and Conditions of Licence) Rules, 2024 (for short 'Rules, 2024'), which imposed a mandate on the A-4 shop licence holders to commence their business from the date on which the licence is granted or such other date etc., He has also drawn the attention of this Court to Rule 29 of the Rules, 2024, which deals with hours of business. Learned Government Pleader would submit that, it is a mandate on the part of the A-4 licence holders to commence the business from the date of grant of licence and also to keep the A-4 shop open during the prescribed business hours. He would submit that the State is also interested in augmenting its financial resources by ensuring the conduct of the business of the A.4 licencees within the timings prescribed.

3. Sri P. Ajay Babu, learned Assistant Government Pleader for Home has submitted the Written Instructions furnished by the Sub-Inspector of Police, Tadimarri P.S dated 06.12.2024. Copy of the Written Instruction is

also furnished to the learned Senior Counsel appearing for the learned Counsel for the Writ Petitioner. The same is taken on record.

4. Learned Senior Counsel appearing for the Writ Petitioner has submitted that the impugned notice dated 29.11.2024 is contrary to the provisions of the Statute and Rules. He would submit that the Writ Petitioner is always willing to conduct the business in terms of the Rules. He would submit that there was Law and Order situation which arose on the account of certain local and political factors. He has also drawn the attention of this Court to the photographs (Ex.P.5) which reflects the fact that the public and the police have gathered in front of the shop. He would submit that, it is only on account of Law and Order situation prevailing at that spot that the Writ Petitioner could not conduct his business. This submission by the learned Senior Counsel is also supported by the contents of the Written Instruction furnished by the Sub-Inspector of Police, Tadimarri P.S dated 06.12.2024. It is stated in the Written Instruction that the Station House Officer, Tadimarri P.S has received credible information on 24.10.2024 that there was Law and Order situation prevailing near the shop of the Writ Petitioner.

5. In this view of the matter, *prima-facie*, this Court is of the opinion that the Writ Petitioner was not averse to conduct of the business and that he could not conduct the business in terms of the Rules, for the reasons that were beyond the control of the Writ Petitioner as reflected from the Written Instruction submitted by the Sub-Inspector of Police, Tadimarri P.S dated 06.12.2024 and the photographs at Ex.P.5.

6. In this view of the matter, this Court is of the opinion that the Writ Petitioner shall be permitted to run his business until further Orders. Accordingly, there shall be a direction to the Official Respondents to permit the Writ Petitioner to run his business under A-4 licence until further Order.

7. Let Counter Affidavit be filed within two weeks. One week thereafter for filing Rejoinder, if any.

8. Learned Government Pleader for Excise is directed to convey the gist of this Order to the Competent Authority forthwith in order to enable the Writ Petitioner to commence his business from tomorrow onwards.

9. List the matter on 06.01.2025.

(GANNAMANENI RAMAKRISHNA PRASAD, J)

Dt: 06.12.2024

Note : Issue C.C by today

B/O : JKS