

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA

PRADESH
(Special Original Jurisdiction)

THURSDAY, TWENTY SECOND DAY OF JANUARY
TWO THOUSAND AND FIFTEEN

PRESENT

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.39562 of 2014

BETWEEN

Sri Venkateswara Kirana and General Merchants, rep. by its Prop. Chenna Rajaih.

... PETITIONER

AND

The State of Telangana, Rep. by its Principal Secretary, Revenue (Excise), Hyderabad and others.

...RESPONDENTS

The Court made the following:

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ORDER:

Heard.

2. Petitioner claims that he is carrying on the business of purchasing of Jaggery and other kirana items in the name and style of M/s.Sri Venkateshwara Kirana & General Merchants at premises bearing D.No.12/125, Fish Market Bazar, Huzurnagar, Nalgonda District, and that he has got all the requisite licences from the Commercial Tax Department. The petitioner states that there is no law prohibiting sale, purchase and transport of Black Jaggery and Alum. However, the respondents are threatening the

petitioner to stop doing business of purchase and sale of Black Jaggery and Alum and also threatening to register criminal cases against the petitioner. Aggrieved thereby, the petitioner has approached this Court seeking a direction against the respondents not to harass the petitioner and not to seize the stock on production of valid bills.

3. Learned Government Pleader, on instructions, states that the respondents have not registered any case against the petitioner and that they are neither interfering with the business activities of the petitioner nor harassing the petitioner and as such, the petitioner has approached this court merely on apprehension. It is further stated that respondents have neither interfered nor threatening the petitioner to stop the business nor the allegation that there was any raid on the petitioner's business premises on 15.12.2014 is correct.

4. In view of the said stand of the respondents that there is no interference with the petitioner's business, this writ petition is disposed of with a similar direction, as granted by this Court in W.P.No.21221 of 2008, dated 19.03.2009. As long as the petitioner is carrying on business, the respondent authorities shall not interfere with the same. However, the respondents should strictly follow the Circular dated 22.12.2001 issued by the Commissioner of Prohibition and Excise, A.P., Hyderabad, and subsequent instructions on the subject, and take appropriate action against the petitioner, if any offence is committed by the petitioner under the Excise Act.

With the above direction, the writ petition is disposed of. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

January 22, 2015

Note:-

Furnish copy by two days.

{B/o} LMV