

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

* * *

WRIT PETITION No. 25896 of 2015

BETWEEN

D.Venkata Seshaiah

... PETITIONER

AND

The Regional Manager (SBS) Tobacco Board, Ongole, Prakasam District
and others

...RESPONDENTS

Date of Order pronounced: 19.08.2015

SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

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| 1. Whether Reporters of Local newspapers
may be allowed to see the Judgments? | Yes/No |
| 2. Whether the copies of judgment may be
marked to Law Reporters/Journals? | Yes/No |
| 3. Whether his Lordship wish to see the
fair copy of the Judgment? | Yes/No |

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ORDER:-

Heard.

2. Petitioner is aggrieved by the memorandum issued to him by the Auction Superintendent, second respondent, dated 12.05.2015 wherein he was required to show cause on proposed action on the ground that the second respondent suspected that petitioner had mislead the office and has obtained FCV Tobacco registration for the season 2014-15. It is alleged in the said memorandum that petitioner allegedly submitted false documents viz., family members certificate and obtained registration as a grower/barn operator by misleading the second respondent. Denying the same, petitioner submitted his explanation on 16.05.2015 under Ex.P2, which shows that it is acknowledged on 16.05.2015 by the office of the second respondent. No orders have been passed so far by the second respondent. Learned senior counsel states that a Committee is required to consider the said aspect as per the Rules. Learned counsel further submits that in the meanwhile, petitioner is not being permitted to carry on his trade on the basis of the existing registration.

3. Since petitioner admittedly has the existing authorization, I do not see any reason why he should be restrained from carrying his trade as a tobacco grower/barn operator as long as his registration is not cancelled by passing a reasoned order.

4. Writ petition is therefore disposed of directing the first and second respondents to permit the petitioner to carry on his trade as a grower/barn operator on the basis of registration already granted to him. Pending consideration of his explanation and passing of appropriate orders by the authorities concerned, in pursuance of the impugned memorandum, petitioner is permitted to carry on his trade. It is made clear that the consideration and passing of appropriate order by the authority considered is not any way obstructed or restrained by this order.

As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

August 19, 2015
LMV

VILAS V. AFZULPURKAR, J