

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA PRADESH
(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIFTEEN

PRESENT

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.2737 of 2015

BETWEEN

M/s.Sri Lakshmi Narasimha Traders, rep. by its
Prop. S.Venkata Rao.

... PETITIONER

AND

The State of Andhra Pradesh, Rep. by its Principal Secretary, Secretariat
Building, Hyderabad and others.

...RESPONDENTS

The Court made the following:

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ORDER:

Heard.

2. Petitioner herein is carrying on business in the name of Sri Lakshmi Narasimha Traders bearing D.No.3-132(1) Kagitala Bazar, Jaggaiahpet. Petitioner states that he has valid registration number with the Commercial Tax Department and that he, in the course of business, is purchasing Black Jaggery and Alum from various places in the State and outside the State under valid bills and transporting the same to their place of business. All the sales are duly accounted for under valid bills. Since the said business of the petitioner of purchasing and selling black jaggery and alum is

being carried on lawfully, apprehending that the officials of the respondents are obstructing the business by visiting the premises of the petitioner on 02.02.2015 and preventing the petitioner from carrying on business, the present writ petition is filed.

3. Instructions received by the learned Government Pleader from the respondents states *inter alia* that in order to check the use of black jaggery and alum in manufacture of illicitly distilled liquor, respondents are keeping a close watch on the licenced merchants. It is stated that in order to satisfy that the goods, in which the petitioner is dealing with are duly accounted for, petitioner was given notices, dated 30.03.2013, 21.11.2013 and 25.11.2014, but the petitioner is stated to have not furnished any of the particulars and the sale details, as called for. Copies of the notices duly served on the petitioner were also produced all of which show that each one of the notice is acknowledged, which includes the last notice, dated 25.11.2014. It is also stated that in the past, there were three crimes registered against the petitioner viz., Crime No.281/03-04, dated 02.08.2003; crime No.482/07-08, dated 23.12.2007; and crime No.491/12-13, dated 09.11.2012. The Prohibition and Excise Superintendent, therefore, sought the details of purchase receipts, sales and all accounts of the individual relating to Jaggery. In order to satisfy that petitioner is carrying on business lawfully and there is no defaults of the goods for manufacture of illicitly distilled liquor, the allegation of the petitioner that there was any threat, as alleged, is denied.

4. Since there is no obstruction to the business carried on by the respondents, I do not see any reason to entertain the present writ petition. However, since the respondents notified the petitioner to submit the details of purchase and sales as per the notices, referred to above, petitioner is liable to supply the said details to the respondents to satisfy the respondents that they are carrying on business lawfully without getting involved in any illicit manufacture of ID Liquor.

Hence, it is open for the petitioner to submit the details as per the notice already served on him viz., the latest notice, dated 25.11.2014.

Writ petition is, accordingly, disposed of directing the respondents to take appropriate action, in accordance with law, after examining the details,

which the petitioner would submit as per directions above. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

February 18, 2015

Lmv