

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

TUESDAY THE TWENTYFIFTH DAY OF AUGUST
TWO THOUSAND AND FIFTEEN

PRESENT
HONOURABLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION NO. 26001 OF 2015

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Between:

M/s. Dhanalaxmi Kirarnam, Jaggery Merchant
Represented by its Proprietor:
Bonagiri Balakrishna
Ballepally village, Khammam Urban Mandal
Khammam district. ... Petitioner

V/s.

The State of Telangana,
Represented by its Prl. Secretary
Revenue [Excise] Department,
Secretariat, Hyderabad & Ors. ... Respondents

Counsel for the Petitioner: Sri Babuji Tenneti

Counsel for the Respondents: GP for Prohibition & Excise
[TG]

The Court made the following: [order follows]

HONOURABLE SRI JUSTICE A.V. SETHA SAI

WRIT PETITION NO. 26001 OF 2015

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ORDER :
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This writ petition is filed under Article 226 of the
Constitution of India for the following relief :

“To declare the action of the respondents in harassing by interfering with the business of the petitioner in black jaggery and alum under valid licence and also seizing the jaggery and alum even though on production of bills and way bills evidencing that it was purchased under bills and transported under way bills and not allowing the petitioner to carry on business in black jaggery and alum, as illegal and arbitrary and without any authority of law and consequently to direct the respondents not to interfere in any manner seize the stocks and to grant such other suitable reliefs as this court deems fit and proper in the circumstances of the case.”

2. Heard Sri Babuji Tenneti, learned counsel for the petitioner and the learned Government Pleader for Prohibition and Excise [TG]. Perused the material available before this court.

3. The petitioner claims that he is carrying on business in black jaggery, kirana and other items under the name and style of M/s. Sri Dhanalaxmi Kiranam Jaggery Merchant, and that he has been selling the said commodities to various customers under

valid bills and has been maintaining books of accounts evidencing of sale and purchase of black jaggery and alum and the same are being inspected by the authorities concerned.

4. It is represented by the learned counsel for the petitioner that in similar set of circumstances, this court passed an order dated 22/01/2015 in WP.No. 39562 of 2014, which reads as under:

“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.

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.

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 WP.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.”

5 Following the above order dated 22/01/2015 passed by this Court in WP.No.39562 of 2014, this writ petition is also disposed of in terms thereof.

5. As a sequel, miscellaneous petitions if any, pending in this writ petition shall stand closed.

JUSTICE A.V.SESHA SAI

25/08/2015
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HONOURABLE SRI JUSTICE A.V. SESHA SAI

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