

HON'BLE SRI JUSTICE M.S. RAMACHANDRA RAO

WRIT PETITION No.23596 OF 2015

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ORDER:

In this Writ Petition, the petitioner challenges the action of the respondents in locking the petitioner's furniture shop situated at Door No.4-3-58/1/6, near Rani Sathiji Agencies, Adilabad Town and District without any prior show cause notice in gross violation of the law and seeks direction to the respondents 2 to 4 to open the lock put on the petitioner's furniture shop, enable the petitioner to run his business.

The petitioner contends that he is doing business with readymade furniture under cover of legal bills, having purchased from the manufacturers and selling the same in his shop by displaying them. The petitioner further contends that the 4th respondent had booked a case under Andhra Pradesh Forest Act, 1967 read with Section 7 of Biodiversity Act, 2002 on 13.06.2015 against petitioner on the allegation that in his workshop godown in Adilabad some persons were allegedly cutting Timber with machine, that some illegal Teak Logs were found in a confiscated vehicle and that POR No.9241, dated 13.06.2015 was registered, and the same is pending before the JFCM, Adilabad. The petitioner also stated that he has also obtained bail in the said case.

The petitioner alleges that on the same day, the respondents 3 and 4 came to the above premises where the petitioner was displaying readymade furniture for sale under valid bills and unilaterally locked the same without giving the petitioner even an opportunity to explain.

A counter affidavit was filed by the respondents. It is admitted that a readymade furniture goods, which are covered under legal bills, does not require any permission from the Forest Department. However, it is contended that if any illegal material is found during the inspection, the genuineness of the material should be proved with authenticity by the owner of a furniture shop like the petitioner.

It is not the case of the respondents that they had issued any show cause notice to the petitioner, asking the petitioner to show cause as to why the stock available in his furniture shop should not be seized and why the shop itself should not be locked

and invited an explanation from the petitioner.

The action of the respondents in closing the furniture shop of the petitioner without even issuing show cause notice and presuming that the petitioner was indulging in smuggling the forest produce and was manufacturing the furniture in the godown, where the raid was conducted and selling it in the shop, is not supported by any evidence. In fact, in the criminal case registered against the petitioner, there is no charge against the petitioner that he was cutting forest produce in the godown, and manufacturing furniture with it for sale. Merely because the POR case has been booked against the petitioner, the respondents are not entitled to seize the furniture shop, lock it and prevent the petitioner from selling the furniture in the said shop.

Therefore, the action of the respondents in locking the furniture shop of the petitioner is in violation of Article 14 and 300-A of the Constitution of India and also the principles of natural justice.

Accordingly, the writ petition is allowed with costs of Rs.1,000/- (Rupees one thousand only) to be paid by the respondents within one week from the date of receipt of a copy of this order to petitioner and the respondents are directed to forthwith to remove the lock put on the petitioner's furniture shop and permit him to transact the business therein without any interference.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

M.S. RAMACHANDRA RAO, J

Dt.20-11-2015

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