

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.5252 of 2015

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ORDER:

Heard.

The petitioner states that it is carrying on business of black jaggery and alum in the name and style of M/s.Bhuvaneshwari Traders situated at premises bearing D.No.5/94, Agapeta Road, Narmetta, Warangal District. The petitioner states that though the business carried out by it is duly supported by valid bills, the respondents are threatening it to close down the business and interfering with the lawful business conducted by it. Hence, the present writ petition is filed.

Learned Government Pleader has received instructions from the 3rd respondent, which state that the 3rd respondent never went to the licenced premises of the petitioner nor threatened it to close down the business as alleged. On the contrary, it is stated that a case in COR No.359/2013-14 was registered against the petitioner and others on 24-09-2014 and the same is pending for investigation.

Learned Government Pleader has received instructions from the 5th respondent, which state that three criminal cases are pending against it in Cr.Nos.61 of 2014, 113 of 2014 and 116 of 20014. The petitioner is also stated to have convicted in Cr.No.75 of 2014. It is further stated that except registration of the aforesaid cases, the respondent police have not interfered with the lawful business carried out by the petitioner and that the respondents will follow the Circular instructions, dated 22-12-2011 issued by the Commissioner of Prohibition and Excise, Andhra Pradesh, Hyderabad.

In the affidavit filed by the petitioner, apparently the petitioner has not made any averments relating to the crimes registered against it and its conviction as noted above. Even if the petitioner is carrying on lawful business, when it approaches this court with the relief as prayed for, it cannot be allowed to suppress relevant information in the affidavit. Apart from that, when the allegation made by the petitioner with regard to illegal interference by the respondents having been denied,

this writ petition appears to have been filed seeking some anticipatory relief. As long as the petitioner is carrying out its lawful business, the respondents shall not interfere with the same, unless the petitioner is found involved in any offence under the A.P.Excise Act.

Accordingly, the writ petition is disposed of. No order as to costs.

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

VILAS V.AFZULPURKAR, J

Date: 17-03-2015

Prv

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

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