

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

WEDNESDAY THE TWENTYFIFTH DAY OF NOVEMBER
TWO THOUSAND AND FIFTEEN

PRESENT
HONOURABLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION NO. 2460 OF 2012

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Between:

M/s. Sri Lakshmi Ganesh Traders
Rep.by its Proprietor: Bharatha Lakshminarayana
Ranganayakaswamy street,
Jaggiahpet, Krishna district & Ors. ... Petitioner

Vs.

The Station House Officer,
Prohibition & Excise Station,

Jaggaiahpet,

Krishna district & Ors. ... Respondents

Counsel for the Petitioners: Sri P.Kasi Nageswar Rao

Counsel for the Respondents: GP for Prohibition & Excise

GP for Home

The Court made the following: [order follows]

HONOURABLE SRI JUSTICE A.V. SESA SAI

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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 respondents in harassing and 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, arbitrary and without any authority of law and consequently to direct the respondents not to interfere in any manner or seize the stocks and to grant such other suitable reliefs as this court may deems fit and proper in the circumstances of the case.”

2. On 02/02/2012 this court, while ordering Rule Nisi, granted interim order in WPMP.No. 3073 of 2012 directing the respondents not to interfere with the business of the petitioner, who deals in black jaggery and alum. This Court also made it clear that if there is any allegation that the supply of such material is for the purpose of illegal distillation, the same will not preclude the respondents to take action in accordance with law.

3. A counter-affidavit is filed by the Station House Officer, Prohibition and Excise Station, Jaggaiahpet, Krishna district. At Para No.3 of the counter-affidavit, it is stated that the Respondent No.1 did not conduct any raid on the lawful business of the petitioner and never seized any quantity of black jaggery and alum so far and it is also stated that the Respondent No.1 never threatened the petitioner about carrying out his lawful black jaggery and alum business and the petitioner did not quote any such single instance in his affidavit.

4. During the course of hearing, it is submitted by the learned counsel for the petitioner that in view of interim orders, no further orders are required to be passed in the writ petition.

5. On the other hand, it is submitted by the learned Government Pleader that

the respondents are entitled to take action against the petitioner in the event of there being any violation of the provisions of law by the petitioner.

6. In view of the above and having regard to the nature of controversy, the writ petition stands disposed of, directing the respondents not to interfere with the lawful business of the petitioner herein. It is also made clear that this order will not preclude the respondents from taking action in accordance with law in the event of there being any violation of the provisions of law by the petitioner. No costs.

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

JUSTICE A.V.SESHA SAI

25/11/2015

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HONOURABLE SRI JUSTICE A.V. SETHA SAI

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Court Master: I s L