

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.39105 OF 2016

Dated:16.11.2016

Between:

B. Srikanth, S/o. Lakshminarayana,
Aged 34 years, Occ: Business,
Prop. Sri Krishna Traders,
Jangaon, Warangal District

.. Petitioner

And

The State of Telangana, rep., by its
Principal Secretary, Revenue
(Excise) Department, Secretariat,
Hyderabad and others

.. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO**WRIT PETITION No.39105 OF 2016****ORDER:**

The petitioner alleges that white jaggery was seized from him. He states that since white jaggery is not prohibited, he has purchased the same from his vendor on 27.10.2016, as he runs a kirana shop and is entitled to maintain stock. Therefore, the petitioner states that said seizure is illegal and seizing the stock and keeping the same with the respondents causes hardship since the jaggery is a perishable good.

2. Learned Government Pleader for Prohibition and Excise submits that since huge quantity of jaggery is kept in stock, which ordinarily could not have been kept with the petitioner, it is presumed as intended to be used for manufacturing prohibited liquor and accordingly the same was seized and proceedings are pending before the competent authority. He further submits that in accordance with the provision under Section 46 of the Andhra Pradesh Excise Act (for short, 'the Act'), the petitioner ought to have approached the Deputy Commissioner of Prohibition and Excise, Warangal, the 2nd respondent, seeking release of the jaggery and without availing the said remedy, he straightaway filed the present Writ Petition and therefore it is not maintainable and liable to be dismissed on this ground.

3. Learned counsel for the petitioner submits that as per the provision under Section 46 of the Act, a direction can be given to the 2nd respondent to release the jaggery seized, if the petitioner files an application, since it is a perishable one.

4. Since no such application is filed by the petitioner, a blanket direction cannot be issued to the 2nd respondent.

5. Hence, the Writ Petition is disposed of giving liberty to the petitioner to file an application before the 2nd respondent for release of the seized jaggery and on receipt of such application, the 2nd respondent is directed to consider and dispose of the same, as expeditiously as possible, preferably within a period of one week thereof. There shall be no order as to costs.

Miscellaneous petitions, if any, filed in this Writ Petition shall stand closed.

Date:16.11.2016

KH

P. NAVEEN RAO, J

