

THE HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.17071 OF 2016

ORDER:

The order passed by the second respondent-District Collector, West Godavari District, dated 02.04.2016 in ROC No.CS.1/79/ECA/2015 directing confiscation of seized stocks is challenged before this Court in this Writ Petition on the ground that the confiscation order was passed even before submission of explanation by the petitioner to the show cause notice dated 29.03.2016.

Heard the learned counsel for the petitioner as well as the learned Government Pleader.

It is the plea as well as the contention of the learned counsel for the petitioner that show cause notice dated 29.03.2016 was served on the petitioner on 30.03.2016 directing the petitioner to submit his explanation to the show cause notice within seven (07) days. However, the impugned order was passed on 02.04.2016 itself stating that no explanation was submitted by the petitioner. Thus, he submits that the impugned order is arbitrary and illegal.

When confronted with the factual aspect, learned Government Pleader fairly concedes that the impugned order may be set aside, however, liberty may be given to the second respondent to pass orders on merits after giving adequate opportunity to the petitioner.

In the light of the factual submissions and as the impugned order is passed confiscating goods worth Rs.26,02,763/- to the State in violation of Article 300A of the Constitution of India, it is a fit case to set aside the impugned order.

Accordingly, the Writ Petition is allowed by setting aside the order dated 02.04.2016. However, liberty is given to the second respondent to issue fresh notice to the petitioner by providing adequate time to him to submit his explanation and also to present his case either in person or through a counsel. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in the Writ Petition shall stand closed.

Justice Challa Kodanda Ram

3rd June, 2016.

Note : Issue C.C. in one week
B/o.
sur