

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.40922 OF 2016

DATED : 29.11.2016

Between :

Dasari Narsimhareddy S/o.Prathap Reddy,
Aged 48 yrs, Occu : Business,
M/s.Anusha Kiranam and General Merchant,
R/o.Narsampet Village and Mandal,
Warangal District

..
Petitioner

And

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

..
Respondents



This court made the following :

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ORDER :

Petitioner challenges the seizure of jaggery and alleges that it is a perishable good and if it is not released, great prejudice would be caused to him.

2. Heard learned counsel for the petitioner and learned Government Pleader.

3. Learned counsel for the petitioner would submit that jaggery is not a prohibited item and petitioner had a valid permit to transport and under take sale being a merchant and dealing with consumable goods.

4. Learned Government Pleader raises objection on the maintainability of the writ petition on the ground that petitioner has not made any application before the competent authority i.e., Deputy Commissioner of Prohibition and Excise, Warangal, (2nd respondent) and straight away this writ petition is filed. On instructions, she would further submit that even though show cause notice was issued on 24.10.2016 to appear before the 2nd respondent, petitioner failed to appear so far, and did not file any explanation.

5. Having regard to the above, without going into merits of the contentions urged, the Writ Petition is disposed of granting liberty to the petitioner to file application before the 2nd respondent for release of jaggery seized, pending enquiry and passing final orders on the issue, and as and when such application is filed, the 2nd

respondent shall consider the same and pass orders within one week thereafter. There shall be no order as to costs.

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

P.NAVEEN RAO,J

29th November, 2016

Note : Issue c.c. in two days

B/o.
Rds

