

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No. 39710 of 2015

ORDER:

The prayer of the petitioner in this case is as under:

“It is prayed that this Hon'ble Court may be pleased to issue an appropriate Writ, Order or Direction, more particularly, one in the nature of Writ of Mandamus, declaring the action of the respondents in threatening to issue the detention orders against the petitioner herein in terms of Sec.3 of the A.P.Prevention of Dangerous activities of Boot Leggers, Dacoits, Drug Offenders, Goondas, Immoral Traffic Offenders and Land Grabbers Act, 1986 though the petitioner is doing the business in purchase and sale of black jaggery under valid ROT Registration Certificate issued from the office of Commercial Tax Department, as being illegal, arbitrary, unilateral and unconstitutional and consequently direct the respondents not to initiate the detention orders against the petitioner herein, and to grant such other relief or reliefs as this Hon'ble Court deem fit and proper in the circumstances of the case.”

2. The Station House Officer, Jaggaiahpet Prohibition and Excise Station, Krishna District, filed a counter affidavit stating that the petitioner is an accused in various crimes relating to storage and sale of Black Jaggery and Alum. However, as regards his apprehension that action would be taken against him under Section 3 of the Andhra Pradesh Prevention of Dangerous Activities of Boot-Leggings Decoits, Drug-Offenders, Goondas, Immoral Traffic Offenders and Land Grabbers Act, 1986, the Station House Officer stated that this was only an apprehension and there was no truth in the same.

3. The Assistant Sub-inspector of Police, Jaggaiahpet Police Station, Krishna District, furnished written instructions dated 19.01.2016 to the office of the learned Government Pleader for Home on the same lines. Therein, he stated that investigation was only undertaken in the criminal offence registered against the petitioner in the context of the allegations made against him under the Andhra Pradesh Prohibition Act, 1995. As regards the petitioner's apprehension that a detention order would be passed against him,

the Assistant Sub-Inspector of Police denied the allegation that a threat was held out to the petitioner that such a detention order would be passed against

him. He further asserted that the police authorities never harassed or threatened the petitioner at any point of time.

4. In the light of the aforestated stand taken by the Excise and police authorities, it is manifest that this writ petition was filed on a mere apprehension. Needless to state in the event any action is proposed to be taken against the petitioner in the context of his alleged criminal activities, the authorities shall follow the due procedure as prescribed under law.

The writ petition is accordingly dismissed subject to the above observation. Pending miscellaneous petitions shall also stand dismissed in the light of this final order. No order as to costs.

JUSTICE SANJAY KUMAR

January 25, 2016

Lmv