

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION NO.16236 OF 2016

ORDER:

Heard Sri Babuji Tenneti, learned counsel appearing for the petitioner and the learned Assistant Government Pleader for Excise for respondent Nos.1 to 3.

The petitioner challenges notice dated 27.04.2016 in Crime No.1043/2014/P&E/B2 and the operative portion of the impugned notice reads thus.

“Therefore, he is directed to produce the confiscated (26000) Kgs of Black Jaggery and (9000) Kgs of Alum in good condition before the Proh. & Excise Inspector, Hanamkonda within 07 days from the date of receipt of this notice, failing which the amount of Total Rs.7,19,433/- (Rupees Seven lakh nineteen thousand four hundred and thirty three only) deposited by him in the shape of Bank Guarantee bearing No.BG/2015-16/01, dated 09.05.2015 issued by State Bank of Hyderabad, Branch Parkal, at the time of interim release of Property shall be forfeited into Government Account.”

From the material available on record, it is clear the respondents issued the impugned notice pursuant to the order of Commissioner of Prohibition and Excise dated 29.03.2016. The objection of the petitioner in this behalf is that he received the copy of Commissioner on 07.05.2016 and the petitioner is entitled to file revision before the Secretary against the order dated 29.03.2016.

Prima facie I am satisfied that even before the petitioner could avail the remedies available in law, the impugned notice ought not to have been issued. Having regard to the peculiar facts and circumstances of this case, I am satisfied the Writ Petition can be disposed of by this order.

The impugned notice is suspended for a period of six (6) weeks from today. The petitioner is given liberty to file revision within four (4)

weeks from today. If the petitioner files a revision and also moves an application for stay of the order dated 29.03.2016, it is for the revisional authority to consider and pass orders on merits in accordance with law.

There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

(S.V.BHATT, J)

12th May 2016
RRB/RKK