

HON'BLE SRI JUSTICE M. SEETHARAMA MURTI

WRIT PETITION No.678 of 2018

ORDER:

This writ petition is filed seeking the following relief:

“..to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 4th respondent in not releasing the stocks i.e., 70 bags of black Jaggery each bag containing 50 Kgs, total 3500 kgs which was seized in Cr.No.288 of 2017 on the file of P.S. Maripeda, Mahabubabad District insptie of the readiness of the Petitioner to furnish the third party surety, as being illegal, arbitrary, without any authority, unjust and consequently direct the 4th Respondent to release the stocks and no grant such other relief or reliefs as this Hon'ble Court deems fit and proper in the interest of justice.”

2. Learned counsel for the petitioner, learned Government Pleader for Prohibition and Excise appearing for respondents 1 to 3 and learned Government Pleader for Home appearing for the fourth respondent are in agreement that in matters of identical nature, this Court is releasing the stocks of Black Jaggery by passing appropriate orders. A copy of the order of this Court, dated 29.11.2017, in W.P.No.40467 of 2017, is placed on record.

3. However, learned Government Pleader for Prohibition and Excise would submit that the third respondent - the Deputy Commissioner of Prohibition and Excise is the competent authority to pass appropriate orders.

4. Having regard to the facts and submissions, the writ petition is disposed of directing the petitioner to approach the third respondent and file an application for release of the subject stock; and, on the petitioner filing such an application, the said authority shall release the stock to the petitioner on condition of his executing a personal bond for Rs.50,000/- (Rupees fifty thousand only) with one surety for the like sum to the satisfaction of the said authority. However, this order shall not preclude the authorities

concerned from further proceeding in the matter, in accordance with the procedure established by law.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

M. SEETHARAMA MURTI, J

Date: 05.01.2018

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