

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 15927 OF 2017

ORDER :

This Writ Petition has been filed seeking a *mandamus* to declare the action of the 2nd respondent Prohibition & Excise Sub-Inspector, Kothagudem in seizing 363 Kgs. of red jaggery in connection with P.R. No. 174 of 2017 under Section 34(e) of the Andhra Pradesh Excise Act, 1968, as illegal and arbitrary.

The case of the petitioner is that jaggery, which is fit for human consumption has been seized from his shop.

Learned counsel for the petitioner submits that on an earlier occasion, when the respondent authorities have interfered with the lawful business activities of the petitioner, this Court had intervened and held that there being no restriction with respect to storage of jaggery fit for human consumption, the seizure itself is illegal. A reference is made to the Order of this Court in Writ Petition No. 6660 of 2017, dated 16.03.2017.

Learned Government Pleader for Prohibition & Excise submits that the petitioner, without approaching the competent authority – the 3rd respondent Deputy Commissioner of Prohibition & Excise, seeking release of the goods, straight away filed this Writ Petition.

Considered the respective submissions. A perusal of the Order in Writ Petition No. 6660 of 2017 discloses that the said Writ Petition was filed by the son of the petitioner Sri Sanju @ Sanjay Ladda, who claimed to have running the business in the name and style of M/s OSIYA Mata Nam & General Merchant at Kothagudem. Now, the present Writ Petition has been filed by the petitioner

stating that his son Sri Sanjay Ladda has been running the business.

Be that as it may, in the facts of the present case, the petitioner is given liberty to approach the 3rd respondent and file an Application seeking release of the goods. On such an Application being filed, the 3rd respondent shall consider the law laid down by this Court in Writ Petition No. 6660 of 2017 dated 16.03.2017, and pass appropriate orders, within a week therefrom.

The Writ Petition is accordingly, disposed of. No costs.

Consequently, the miscellaneous Applications, if any shall also stand disposed of.

27th April 2017

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CHALLA KODANDA RAM, J

