

THE HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.9944 OF 2017

ORDER:

This Writ Petition is filed by the petitioner seeking to issue a writ of mandamus to declare the order passed by the 2nd respondent, dated 19.01.2017, rejecting the petition filed by the petitioner for release of stocks seized in COR No.23/ 2016, inspite of his readiness to furnish the third party surety, as arbitrary and illegal.

The petitioner challenges order, dated 19.01.2017, issued by the 2nd respondent wherein the 2nd respondent refused to release the seized goods by way of an interim order. As seen from the remand report filed before the Special Judicial Magistrate of First Class for prohibition and Excise, Khammam, 200 kgs., of black jaggery in 20 cartons and 4000 kgs., white jaggery in 400 cartons, were seized. The petitioner is a registered dealer dealing in jaggery and other general provisions, as is evident from the VAT registration certificate. It is not in dispute that there is no prohibition for trading in white jaggery.

In those circumstances, the 2nd respondent is directed to release the seized stock for interim custody of the petitioner subject to the condition of petitioner furnishing personal bond for the value of the entire quantity of the white jaggery at Rs.4,000/- per quintal and so far as the black jaggery is concerned, subject to the condition of petitioner furnishing Fixed Deposit Receipt for the value of the entire quantity of black jaggery as per the market value furnished by the 2nd respondent. The release of the seized stock in favour of the petitioner shall be subject to the final orders that may be passed by the 2nd respondent in the final proceedings.

With above directions, the Writ Petition is disposed of. No order as to costs. As a sequel to disposal of the writ petition, W.P.M.Ps., if any pending , shall stand closed.

CHALLA KODANDA RAM, J

March 21, 2017
KTL



