

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.16484 OF 2017

ORDER:

This Writ Petition is filed, under Article 226 of the Constitution of India, seeking the following relief:

“to issue a writ, order or direction, particularly one in the nature of writ of mandamus, declaring the action of the respondents in interfering with the business of the petitioner in sale, purchase of jaggery (Red Colour) and seizing the same on the premise that the said jaggery is useful for preparation of I.D.liquor as illegal, arbitrary and consequently direct the respondents not to interfere with the business of the petitioner in jaggery (red colour).”

The petitioner claims to be purchasing and selling jaggery to customers. He states that respondent - authorities are frequently visiting the business premises and merely harassing that he is supplying jaggery for the purpose of manufacturing liquor. Petitioner, therefore, seeks protection of fundamental right to do business guaranteed under Article 19(g) of the Constitution of India.

Learned Government Pleader for Prohibition and Excise (TG), on instructions, specifically submits that the allegations made by the petitioner are not true and none of the officers had visited the petitioner's premises.

Having considered the respective submissions, the Writ Petition is disposed of with a direction to respondent - authorities not to interfere with the lawful business

being carried on by the petitioner without there being any material and, if there is any violation, the respondent - authorities shall mandatorily issue notice and take action against him in accordance with law. However, this order will not preclude the respondent - authorities from exercising their power to search and seize in case they have information regarding conduct of unlawful activity by the petitioner.

Miscellaneous petitions pending, if any, in the writ petition shall stand closed. No order as to costs.

Date:28.04.2017
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CHALLA KODANDA RAM, J

