

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.16907 OF 2017

ORDER:

The Writ Petition is filed under Article 226 of the Constitution of India, to declare the action of respondents 2 to 5 in interfering with the lawful business of jaggery and alum by the petitioners and illegally registering multiple cases for the offences under Sections 34(e) of A.P. Excise Act as COR No.65/ 2017 and 32/ 2017 at Kalwakurthy, Bhongir and other places, and putting lock to business premises at D.No.15-2-585, Maharajgunj, Hyderabad and mulgi No.194, Krupa Market, Mahboob Mansion, Malakpet, Hyderabad, as illegal and arbitrary, and consequently, direct the respondents 2 to 5 not to harass the petitioners and allow them to conduct lawful business of jaggery and alum by removing lock of the business premises.

The petitioners are carrying on business in purchase and sale of jaggery both retail and wholesale. On 21.04.2017, the respondents 4 and 5 locked the business premises of the petitioners and seized the stock of jaggery from the godown and registered the above cases for the offence under Section 7 (A) r/w.8 (e) of A.P. Prohibition Act and 34(e) of the A.P. Excise Act & (4) of GUR (Regulation of Use) Order, 1968. Hence, this writ petition.

Heard and perused the material available on record.

Learned Counsel for the petitioners submitted that the petitioners are doing business under valid licence by purchasing jaggery under valid bills, that admittedly, jaggery seized from the possession of the petitioners in the above referred crimes is not a prohibited article under

any law and its possession is also not barred by the provisions of any Statute.

Learned Government Pleader for Prohibition & Excise submitted that since the case is pending before the Court concerned, the petitioners can approach the Court concerned for release of the seized stock.

In view of the submission of the learned Government Pleader, this Court is not inclined to entertain this writ petition.

Hence, the Writ Petition is dismissed. No order as to costs. As a sequel, miscellaneous petitions pending, if any, shall stand dismissed.

July 17, 2017
KTL



RAJA ELANGO, J