

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION Nos.10826 and 10912 OF 2017

ORDER:

These Writ Petitions are filed, under Article 226 of the Constitution of India, seeking the following relief:

“to issue an order or direction, more particularly one in the nature of writ of mandamus, declaring the action of the respondents in harassing by interfering with the business of the petitioner in white jaggery which is purely meant for human consumption under valid licence and bills and not allowing the petitioner to carry on business in white jaggery and visiting the shop and the godown everyday, as illegal and arbitrary and without any authority of Law and consequently direct the respondents not to interfere or in any manner seize the stocks and the vehicles while transporting the white jaggery.”

The petitioners claim to be selling other commodities including white jaggery. It is their case that the respondent - authorities are frequently visiting their business premises and merely harassing that they are supplying jaggery for the purpose of manufacturing liquor. Petitioners, therefore, seek protection of fundamental right to do business guaranteed under Article 19(g) of the Constitution of India.

Learned Government Pleader for Prohibition and Excise, on instructions, specifically submits that the

allegations made by the petitioners are not true and none of the officers had visited the petitioners premises.

Having considered the respective submissions, the Writ Petitions are disposed of with a direction to respondent - authorities not to interfere with the lawful business being carried on by the petitioners without there being any material and, if there is any violation, the respondent - authorities shall mandatorily issue notice and take action against them 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 petitioners.

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

CHALLA KODANDA RAM, J

Date:27.03.2017
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