

WRIT PETITION No.41051 of 2017

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking the following relief:

“..to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the Respondents Nos.2 & 3 in interfering with the cultivation of Sugar Cane and manufacturing of white jaggery and black jaggery under valid license by the petitioner in his agricultural lands an extent of Ac. 8-03 in Sy. No. 10/A respectively situated at Turmamidi Village, Bantwaram Mandal, Vikarabad District, (R.R. Dist) without there being any authority of law as arbitrary, illegal and contrary to the provisions of A.P. Excise Act, 1968 and violation of petitioner's rights guaranteed under Art.19 (1), (g) and 21 of the Constitution of India., and consequently direct the Respondent Nos. 2 and 3 not to interfere with the cultivation of Sugar Cane and manufacturing white jaggery and black jaggery under valid license by the petitioner in his agricultural lands an extent of Ac. 8-03 in Sy. No. 10/A situated at Turmamidi Village, Bantwaram Mandal, Vikarabad District, (R.R. Dist.) and to grant such other relief or reliefs as this Hon'ble Court may deems fit and proper in the circumstances of the case.”

2. When the matter is heard, it is submitted by the learned counsel for the petitioner that the issue in this writ petition is squarely covered by the order, dated 16.03.2017, in W.P.No.6660 of 2017 and that following the said decision, similar orders were passed, on 10.10.2017, in W.P.No.33845 of 2017 and, on 09.11.2017, in W.P.No.37705 of 2017 and therefore, this writ petition may also be disposed of by passing a similar order in the interests of justice.

3. The operative portion of the order in W.P.No.6660 of 2017 reads as under:

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

the petitioner, without there being any material, and if at all there is any violation on the part of the petitioner, the respondent authorities shall mandatorily issue notice before proceeding to take any action. However, this order will not preclude the authorities in exercising the powers of search and seizure in the event there is a material with the department with respect to any unlawful activity suspecting to be carried out by the petitioner.”

4. Be that as it may, learned Government Pleader for Prohibition and Excise, on written instructions from the second respondent, would submit that the petitioner is indulging in offences and filing writ petitions to prevent the respondents from proceeding against him legally and that no interference was ever caused to the activities of the petitioner as alleged in the writ petition and that the petitioner was already bound over on 22.05.2017 for good behaviour for a period of one year by the appropriate authority and therefore, the writ petition is liable to be dismissed.

5. Following the aforestated orders of this Court and for the reasons stated therein, this writ petition is also disposed of in terms thereof. It is made clear that this order shall not preclude any of the respondents herein from proceeding against the petitioner, in accordance with procedure established by law, for any alleged violation of law. There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order.

Office is directed to enclose a copy of the order, dated 16.03.2017, in W.P.No.6660 of 2017 to this order.

M. SEETHARAMA MURTI, J

Date: 07.12.2017
va