

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

Writ Petition No.43220 of 2017

ORDER:

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

“....to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the respondent No.2 and 3 in harassing by interfering with the business of the petitioner in black jaggery, white jaggery, colour jaggery, and alam under valid licence and bills and not allowing the petitioner to carry on business in white jaggery, colour jaggery and alam and visiting the shop and the godown every day, as illegal and arbitrary and without any authority of Law and consequently direct the respondent No.2 and 3 not to interfere or in any manner seize the stocks and the vehicles while transporting the white jaggery, colour and alam, and to grant such other relief or reliefs...’

At the hearing, learned counsel for the petitioner and the learned Government Pleader for Prohibition & Excise representing the respondents are in agreement that the issue involved in the present writ petition is squarely covered by the orders, dated 13.12.2017, of this Court in W.P.No.42329 of 2017.

The afore-stated order was passed following the earlier order of this Court, dated 16.03.2017, in W.P.No.6660 of 2017. The operative portion of the said order 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.”

Following the said order and for the reasons stated therein, this writ petition is also disposed of in terms thereof. 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

20.12.2017

Note: Issue CC in two (02) days.

[B/o]
Vjl

