

The Hon'ble Sri Justice M.Seetharama Murti

Writ Petition No.39843 of 2017

Dated 29.11.2017

Order:

This Writ Petition is filed 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 No.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.6-00 in Sy No. 228/AA situated at Maniyarpally Village, Kohir Mandal, Sanga Reddy District, and Ac.4-20 in Sy No.437/1-B 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 the A.P. Excise Act, 1968, and violation of petitioners 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.6-00 in Sy No. 228/AA situated at Maniyarpally Village, Kohir Mandal, Sanga Reddy District, and Ac.4-20 in Sy No.437/1-B respectively situated at Turmamidi Village, Bantwaram Mandal, Vikarabad District, (R.R. Dist).”

(Reproduced verbatim)

The learned Counsel for the petitioner would submit that the petitioner is carrying on his business of manufacture and sale of white jaggery, black jaggery and rotten jaggery with a valid licence for the period from 22.12.2016 to 21.12.2017; that respondent Nos.2 and 3 are trying to book cases against the petitioner; and that by force, they have obtained a personal bond for a sum of Rs.1 lakh on 24.05.2017 from the petitioner for good behaviour for a period of one year.

The learned Government Pleader for Home (TS) appearing for the respondents would submit that no personal bond was obtained by the respondents; that they are unconcerned with any bond stated to have been obtained by the Tahsildar concerned; that the present respondents have never interfered with the business of the petitioner; and that the Writ Petition is filed on mere apprehensions. The learned Government Pleader would further submit that if the 2nd respondent has reason to believe that the petitioner is indulging in manufacture of ID liquor or supplying Black Jaggery to the manufacturers of ID liquor, he would follow the procedure contemplated in the Excise Laws; that so far,

no crime has been registered against the petitioner and that therefore, the Writ Petition is liable to be dismissed.

Since the learned Government Pleader, on instructions, submitted that there is no interference with the business activity of the petitioner by the respondents; that no crime has so far been registered against the petitioner and that if any action is contemplated against him, the respondents would follow the procedure established by law, in the considered view of this Court, if the said submissions are recorded, the ends of justice would be met.

Accordingly, recording the above submissions of the learned Government Pleader for Home, the Writ Petition is disposed of.

As a sequel to disposal of the Writ Petition, Miscellaneous Petitions, pending if any, stand disposed of as infructuous.

(M.Seetharama Murthi, J)

Dt: 29th November, 2017
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