

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

Writ Petition No.41841 of 2017

ORDER:

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

“...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 in harassing by interfering with the business of the petitioner in which 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 as this Hon'ble Court deems fit and proper in the circumstances of the case.”

At the hearing, learned counsel for the petitioner would submit that the ends of justice would be met if this writ petition is disposed of with a direction to the respondent authorities not to interfere with the lawful business activities of the petitioner without there being any material; and, that if at all there is any violation on the part of the petitioner, the respondent authorities may be directed to mandatorily issue notice before proceeding against the petitioner.

Learned Assistant Government Pleader representing the respondents 1 & 2, on written instructions, would submit as follows: - “The writ petitioner is involved in various offences earlier; several crimes were registered; in some cases, prosecution is in progress; the allegations in the affidavit filed in support of the writ petition are false and invented; the writ petition is filed merely on apprehensions by making false allegations against the respondents 2 & 3; only on credible information and on violations committed by the petitioner, earlier seizures of stocks of the petitioner were affected and crimes were registered;

after the earlier cases, the 2nd respondent never visited the shop of the petitioner till 26.12.2017 or till date; the petitioner was never called to the police station; the 2nd respondent being a law abiding police officer will never violate rules and law and that he would perform his legitimate duties in strict accordance with the procedure established by law.'

Learned counsel for the petitioner, in reply, would submit that the writ petition may be disposed of recording the afore-said submissions of the learned Assistant Government Pleader.

Accordingly, recording the afore-said submissions, the Writ Petition is disposed of with a direction to the respondent authorities not to interfere with the lawful business activity of the petitioner without there being any material; in the event there are any violations on the part of the petitioner, the respondent authorities shall mandatorily issue notice to the petitioner before proceeding to take any action against him. However, this order shall not preclude the authorities concerned in exercising their powers of search and seizure in the event there is any material with the department to entertain strong suspicion with respect to any unlawful activities being carried out by the petitioner. There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

M.SEETHARAMA MURTI, J

02.01.2018

Note: Issue CC in two days.

{B/o}

Vjl