

THE HON'BLE SRI JUSTICE P.KESHA RAO

WRIT PETITION No.29948 of 2013

ORDER:

Heard the learned counsel for the petitioner as well as the learned Government Pleader appearing for respondents 1, 2 and 6 to 15.

2. The prayer sought in the writ petition is as under:

“For the reasons stated in the above accompanying affidavit, the petitioner herein prays that this Honourable Court may be pleased to issue an appropriate writ, 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, which is in Jaggery and Kirana products under valid licence bearing VAT Registration TIN No.WGL/09/0/2372, dated 01.12.2010 in premises bearing H.No.6-3-174, Masjid Road, Pedda Bazar, Kothagudem, Khammam District, and foisting false criminal cases on the ground alleging the petitioner is holding black jaggery and making him to sit in the police stations from morning to evening is illegal, arbitrary and violation of Articles 14, 19(1)(g) and 21 of the Constitution of India and consequently direct the respondents not to interfere with the business activities of the petitioner in any manner, and pass such other order or orders as the Hon'ble Court may deem fit and proper in the circumstances of the case.”

3. Learned Government Pleader appearing for the above respondents placed on record the written instructions dated 17.12.2018 issued by the Sub-Divisional Police Officer, Bhadradri-Kohagudem District.

4. From the perusal of the said written instructions, it is revealed that the petitioner was involved in as many as eight cases for the offences punishable under the Andhra Pradesh Excise Act as well as the Indian Penal Code. In the written instructions, it is specifically mentioned that no fresh cases are pending against the petitioner in any of the police stations mentioned in the affidavit. Except registration of the cases mentioned in the written instructions and proceeding with the investigation of the cases as per law, the Sub-Divisional Police Officer, Bhadradri-Kohagudem District, never interfered with the lawful activities of the business of the

petitioner herein. However, to prevent the police from taking any action in the event of registration of any crime against the petitioner, the petitioner filed the present writ petition with false allegations.

5. However, the learned counsel appearing for the petitioner contends that the petitioner has been unnecessarily implicated in the cases mentioned in the written instructions and there is interference by the respondent police in conducting his business activities.

6. Since the respondent police are specifically mentioned in the written instructions that they are not interfering with the lawful business activities of the petitioner, recording the same, the writ petition is being disposed of with a direction that the petitioner and his mother should not be harassed unless fresh cases are registered against the petitioner.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE P.KESHA RAO

Date:16.12.2019

PGS