

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.2048 of 2019

ORDER:

1 Challenge in this writ petition is to the 'Notice of forfeiture of bond for good behavior' dated 21.01.2019 issued by the Tahsildar, Mattampalli Mandal, Suryapet District, whereby the Tahsildar directed payment of penalty of Rs.2.00 lakhs or called upon the petitioner to show cause as to why he should not be subjected to imprisonment.

2 The basis for the impugned notice is the finding of the Tahsildar that, having offered to maintain good behavior for a period of two years, the petitioner committed a breach inasmuch as a case in Crime No.355 of 2018 was registered by the Prohibition & Excise Station, Huzurnagar, against him under the provisions of the Andhra Pradesh Prohibition Act (Telangana Adaptation Order), 2015. The impugned notice reflects that the petitioner was not given an opportunity to explain his stand before the penalty was imposed. That apart, mere institution of a criminal case against him would not, by itself, constitute breach of the bond furnished by him as it cannot be treated on par with conviction. Thus, on both these counts, the impugned notice dated 21.01.2019 is unsustainable on facts and in law.

3 The Writ Petition is accordingly allowed setting aside the said notice. It is however made clear that this order would not preclude the authorities from proceeding in the matter in accordance with the principles of natural justice in future, if warranted.

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

JUSTICE SANJAY KUMAR

5th February, 2019
Kvsn