

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.10973 OF 2019

Date: 07.06.2019

Between:

Bhukya Kota,s/o. chandru, Aged about 40 years,
Occu: Agriculture, r/o. Lalithanda Village,
Mattampally Mandal, Suryapet district.

.....Petitioner

And

The State of Telangana, rep.by its Prl.Secretary,
Revenue (Excise Department), Secretariat,
Hyderabad and two others.

.....Respondents



The Court made the following:

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ORDER:

Challenge in this writ petition is to the 'Notice for Forfeiture of Bond for Good Behavior' dated 19.12.2018 issued by the Tahsildar, Mattampally Mandal, Suryapet district. whereby the Tahsildar directed payment of penalty of 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.100 of 2019 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 nil, is unsustainable on facts and in law.

3. The Writ Petition is accordingly allowed setting aside the impugned notice dated nil. 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. Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE P.NAVEEN RAO

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