

HIGH COURT FOR THE STATE OF TELANGANA

**THE HON'BLE THE CHIEF JUSTICE RAGHVENDRA SINGH CHAUHAN
AND**

THE HON'BLE SRI JUSTICE A. ABHISHEK REDDY

WRIT APPEAL No.750 of 2019

Date: 18.10.2019

Between:

R. Sandeep Goud

... Appellant

and

The State of Telangana
Rep. by its Principal Secretary,
Revenue (Excise) Department
at Secretariat,
Hyderabad, and others.

... Respondents

Counsel for the appellant: Mr. Thota SVLN Swamy

Counsel for the respondent NoS.1 to 3: GP for Excise

The Court made the following:

JUDGMENT: *(per the Hon'ble the Chief Justice Sri Raghendra Singh Chauhan)*

Mr. R. Sandeep Goud, the appellant, has challenged the legality of the order dated 29.08.2019, passed by a learned Single Judge, in W.P.No.18676 of 2019, whereby the learned Single Judge has dismissed the writ petition, wherein the appellant had sought a direction that the Prohibition and Excise Superintendent, Gadwal, should be directed to conclude the enquiry initiated against the respondent No.4, the Toddy Tappers Cooperative Society.

Briefly the facts of the case are that the appellant-petitioner claims to be a Toddy Tapper by profession. He has submitted an application to the respondent No.4, the Toddy Tappers Cooperative Society, for being included in it as a Member. However, the respondent No.4 has declined his request. The appellant further submits that he has the right to establish a Toddy Tappers Cooperative Society. However, he is being deprived of the licence to tap the toddy trees. Since the appellant came to know that the respondent No.4 was adulterating the toddy with Alprazolam, a prohibited chemical, on 03.08.2019, he submitted an application before the respondent No.3, the Prohibition and Excise Superintendent, against the respondent No.4. Although an enquiry was initiated upon his application, the same has not been concluded by the respondent No.3. Hence, the appellant has filed the writ petition before the learned Single Judge. However, by the impugned order, the learned Single Judge has dismissed the writ petition. Hence, this appeal before this Court.

This Court has raised a pointed query to the learned counsel for the appellant as to how the appellant's civil or fundamental

rights are violated in case the enquiry is not concluded against the respondent No.4. The learned counsel submits that in case the enquiry were concluded, the appellant may be made a member of the Society and may be permitted to establish a Toddy Tappers Cooperative Society at his behest. However, the answer given by the learned counsel does not answer the issue as to how civil or fundamental rights of the appellant are being violated? Merely because there is a distinct possibility in future, a writ petition cannot be filed only on the basis of surmises, conjectures, and apprehensions.

Moreover, the learned Single Judge is justified in observing that the writ petition has been filed only to wreak vengeance on the respondent No.4. Hence, the writ petition has been filed with an ulterior motive; it tantamounts to abuse of process of law and the process of Court.

For the reasons stated above, this Court does not find any illegality or perversity in the impugned order. This writ appeal, being devoid of any merit, is hereby dismissed. There shall be no order as to costs.

As a sequel, miscellaneous petitions, pending if any, shall also stand dismissed.

(RAGHVENDRA SINGH CHAUHAN, CJ)

(A. ABHISHEK REDDY, J)

Date: 18.10.2019
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