

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

W.P.No.22814 of 2019

ORDER:

This Writ Petition is filed to issue a Writ of Mandamus declaring the action of the respondents in seizing 60 bags (each 30 kgs) of black jaggery and two bags of alum (each 30 kg) along with their vehicles as illegal and arbitrary.

2. Though it is the assertion of the petitioners that the black jaggery and alum are not prohibited items, as they have been seized on the ground that the said substances are being used illegally in liquor manufacturing, it cannot be said that under Section 34 of the A.P. Excise Act, 1968, the Deputy Commissioner of Prohibition and Excise does not have power to consider the claim of the petitioners. Further the Writ Petition is also not maintainable on the ground that the basic requirement of Mandamus has not been complied with as the petitioners have not approached authority concerned before approaching the Court. Viewed from that angle also, the Writ Petition is not maintainable.

3. Accordingly, the Writ Petition is dismissed. However, the dismissal of the Writ Petition does not disentitle the petitioners to approach the 3rd respondent-Deputy Commissioner of Prohibition and Excise invoking Section 34 of the A.P. Excise Act, 1968, and make an application seeking appropriate orders. As and when such

application is filed, the 3rd respondent shall disposed of the said application within a period of ten days. No costs.

4. Miscellaneous petitions pending in the Writ Petition, if any, shall stand closed.

JUSTICE CHALLA KODANDA RAM

Date: 18-10-2019.
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