

THE HONOURABLE SRI JUSTICE SANJAY KUMAR

CONTEMPT CASE NO.1168 OF 2016

O R D E R

This contempt case was instituted alleging wilful disobedience to the order dated 28.12.2015 passed in W.P.M.P.No.54091 of 2015 in W.P.No.41936 of 2015. By the said order, this Court directed that any interference with the business of the petitioner should be strictly in accordance with law. Be it noted that the petitioner is a dealer in black jaggery.

2. The Deputy Commissioner, Prohibition and Excise, Hyderabad Division, the first respondent, filed a counter-affidavit stating that black jaggery can be diverted and used for illicit distillation of liquor and therefore, appropriate measures need to be taken by the department against the dealers who resort to such diversion. He referred to the notice dated 18.09.2013 issued to the petitioner calling upon him to submit details of the transactions in black jaggery in the prescribed format every fortnight and asserted that the petitioner failed to do so. He submitted that on 14.03.2016, the officials of the Enforcement Wing at Hyderabad raided the open place in front of House No.13-1-1039/1, Gandhi Baitak, Upper Dhoolpet, and seized 50 litres of illicitly distilled liquor and 200 kgs. of black jaggery and a case in Crime No.296 of 2016 was also registered in this regard. He further stated that based on the confessions made by the accused and as part of the further investigation, the excise officials conducted a search of the petitioner's shop on the same day in accordance with the procedure prescribed under the GUR (Regulation of Use) Order, 1968 and seized some material. The petitioner was stated to

have filed an appeal before the Commissioner of Prohibition and Excise, Telangana, but the same was dismissed on 25.08.2016, whereby the confiscation order in relation to the petitioner's material stood upheld.

3. No reply affidavit was filed rebutting the aforestated counter-affidavit averments.

4. In that view of the matter, search of the petitioner's shop is not shown to have been in violation of the due procedure prescribed by law. As this Court did not interdict the authorities from taking steps but only cautioned them to do so, lawfully, this Court finds no evidence of any disobedience, much less wilful disobedience, to the order warranting exercise of contempt jurisdiction.

5. The contempt case is accordingly dismissed. No order as to costs.

27th SEPTEMBER, 2019

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SANJAY KUMAR, J