HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)

WEDNESDAY, THE THIRTIETH DAY OF DECEMBER
TWO THOUSAND AND TWENTY

PRESENT
THE HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION NO: 23448 OF 2020

Between:

Devakishan Ladda, S/o Megharaj Ladda aged about 67 years, occ. Business Prop. Danduram Sathyaram Trading Company # 6-3-174, Pedda Bazar, Gopalarao Market Kothagudem Bhadradri Kothagudem District, Godown at H.No. 7-7-52/1, Sudarshan Mastry House Area, Medara Basthi, Kothagudem

...PETITIONER

AND

1. The State of Telangana, rep. by its Principal Secretary, Revenue (Excise) Department Secretariat, Hyderabad.
2. The Station House Officer, Kothagudem Proh. and Excise Station, Bhadradri Kothagudem District
3. The Station House Officer, Kothagudem III Town Police Station, Bhadradri Kothagudem District

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the respondent Nos. 2 and 3 herein in harassing by interfering with business activities of the petitioner in White Jaggery and threatening to seize the vehicles along with the stocks during the course of loading, unloading and transportation, as the same is illegal, and arbitrary.

IA NO: 1 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the Respondent No.2 and 3 herein not to harass the petitioner by interfering with his business in purely white jaggery at his place of business under valid license including the transportation, pending disposal of the main Writ Petition

Counsel for the Petitioner : SRI BABUJI TENNETI

Counsel for the Respondent Nos.1 & 2 : GP FOR PROHIBITION EXCISE

Counsel for the Respondent No.3 : AGP FOR HOME

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.23448 OF 2020

ORDER:

Heard learned counsel for the petitioner, learned Government Pleader for Prohibition and Excise appearing for respondent Nos.1 and 2 and learned Assistant Government Pleader for Home appearing for respondent No.3.

2. According to petitioner, he is the owner of M/s. Daduram Sathyaram Trading Company and is doing business in white jaggery. He has necessary statutory permissions and licence to carry on business in white jaggery. He alleges that white jaggery is purchased by him from agricultural market committees and transports with valid bills. According to petitioner, there is no prohibition for sale, purchase and transportation of white jaggery and it is meant for human consumption. That being so, petitioner alleges that the excise officials are harassing and threatening with dire consequences and directing him not to carry on business of white jaggery.

3. Learned counsel for the petitioner submits that the main business activity of the petitioner is in white jaggery and since it is not prohibited, the respondent – excise officials cannot prevent him from carrying on business and the same would be amounting to offending Article 19 (1) (g) of the Constitution of India.

4. Learned Government Pleader for Prohibition and Excise, on instructions, submits that on earlier occasion, petitioner was found diverting the jaggery for manufacturing illegal liquor and five

crimes were registered against him. As of now, the excise officials are not interfering in the business undertaken by the petitioner. He submits that since petitioner was earlier involved in crimes and if any information is received by the excise officials on the aspect of petitioner diverting the jaggery for manufacturing ID liquor, the excise officials would take action against him.

5. Learned counsel for the petitioner submits that petitioner is a law abiding citizen and he will not involve in any illegal activity.

6. Taking note of the statement of learned counsel for the petitioner, the writ petition is disposed of and the respondent - excise officials are directed not to interfere in the business activity of the petitioner as long as no adverse report is received by them on diversion of jaggery for manufacturing ID liquor. Pending miscellaneous petitions shall stand closed.

SD/-M.MANJULA
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Principal Secretary, Revenue (Excise) Department, State of Telangana, Secretariat, Hyderabad.
2. The Station House Officer, Kothagudem Proh. and Excise Station, Bhadradri Kothagudem District
3. The Station House Officer, Kothagudem III Town Police Station, Bhadradri Kothagudem District
4. One CC to Sri Babuji Tenneti, Advocate [OPUC]
5. Two CCs to GP for Prohibition Excise, High Court for the State of Telangana at Hyderabad [OUT]
6. Two CCs to GP for Home, High Court for the State of Telangana, Hyderabad (OUT)
7. Two CD Copies

Kj.

HIGH COURT

DATED:30/12/2020

ORDER

WP.No.23448 of 2020



DISPOSING OF THE WRIT PETITION WITHOUT COSTS.

(10) VLV 16/1/21