

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

**THURSDAY ,THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND TWENTY**

PRESENT

THE HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION NO: 24370 OF 2020

Between:

Sabavath Santhamma @Chavan Shanthamma, W/o Pandu Naik, age.33 years, Occ. agriculture, R/o Jangamreddy pally Thanda, Kanmanoor Narva Mandal Narayanpet District

...PETITIONER

AND

1. The State of Telangana, rep. by its Principal Secretary, Revenue (Excise) Department, Secretariat, Hyderabad.
2. The Executive Magistrate-cum-Tahsildar, Narva Mandal, Narayanpet District.
3. The Station House Officer, Narayanpet Prohibition and Excise Station, Narayanpet 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 2nd respondent in issuing the notice in M. C .No. B/937/2020 dated 24/12/2020 as illegal and violation of Article 14 and 21 of the Constitution of India and also violation of procedure prescribed under Cr P C and consequently quash the Notice M C No B/937/2020 dated 24/12/2020.

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 stay of all further proceedings pursuant to notice in M. C .No. B/937/2020 pending disposal of the above writ petition.

Counsel for the Petitioner: SRI. G. RAJESHWAR RAO

Counsel for the Respondent Nos. 1 & 3: AGP FOR PROHIBITION & EXCISE

Counsel for the Respondent No 2: GP FOR REVENUE

The Court made the following:

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.24370 of 2020

ORDER:

Heard learned counsel for the petitioner and learned Assistant Government Pleader for Prohibition and Excise.

2. Petitioner claimed to be resident of Jangamreddypally Thanda, Kanmanoor, Narva Mandal, Narayanpet District and doing coolie work. On the ground that on 30.07.2020 a crime was registered under Section 7(A) read with Section 8(e) of Telangana Prohibition Act, 1995, petitioner was made to execute bond for good behaviour for an amount of Rs.1,00,000/-. While so, on 22.12.2020 as another crime was registered under the very same provisions of law, the impugned notice dated 24.12.2020 was served directing the petitioner to show cause why the bond amount should not be forfeited.

3. From the reading of the impugned notice, it is seen that no prior opportunity was given to the petitioner to explain her stand before ordering forfeiture of the amount furnished by her earlier. That apart, the reason assigned for forfeiture is alleged involvement of the petitioner in a crime. Mere involvement in a crime would not by itself constitute breach of bond furnished by the petitioner as it cannot be treated on par with conviction. Thus, on both counts, i.e., on facts and in law, the impugned notice dated 24.12.2020 is unsustainable. Accordingly, the impugned notice is set aside and the Writ Petition is allowed. However, it is made clear that this order would not preclude the authorities in proceeding in the matter in future in accordance with law, if

warrants. Pending miscellaneous petitions, if any, shall stand closed.

//TRUE COPY//

SD/-B.SATYAVATHI
ASSISTANT REGISTRAR


SECTION OFFICER

To,

1. The Principal Secretary, Revenue (Excise) Department, State of Telangana, Secretariat, Hyderabad.
2. The Executive Magistrate-cum-Tahsildar, Narva Mandal, Narayanpet District.
3. The Station House Officer, Narayanpet Prohibition and Excise Station, Narayanpet District.
4. One CC to Sri. G Rajeshwar Rao Advocate [OPUC]
5. Two CCs to GP for Prohibition & Excise, High Court for the State of Telangana. [OUT]
6. Two CCs to the GP for Revenue, High Court for the State of Telangana. (OUT)
7. Two CD Copies.

PM



HIGH COURT

DATED:31/12/2020



ORDER

WP.No.24370 of 2020

Allowing the WP
Without costs.

(10) VLV
6/1/21