

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

**THURSDAY, THE ELEVENTH DAY OF AUGUST
TWO THOUSAND AND TWENTY TWO**

PRESENT

THE HON'BLE SRI JUSTICE MUMMINENI SUDHEER KUMAR

WRIT PETITION NO: 32165 OF 2022

Between:

Bhukya Naveen, S/o. Dev, Age.24 Years, Occ.Coolie, R/o. Seetal Thanda
Village, Mahabubabad Mandal and District.

...PETITIONER

AND

1. The State of Telangana, rep. by its Principal Secretary, Revenue Department, Secretariat, Hyderabad.
2. The Mandal Executive Magistrate-cum Tahasildar, at Mahabubabad, Mahabubabad District.
3. The Station House Officer, Prohibition and Excise Station, At Mahabubabad, Mahabubabad 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 impugned Notice in M.C. No. 90/2022, Dated.10-05-2022 (issued on 16-05-2022) directing the petitioner herein to pay a penalty of Rs. 2,00,000/- within 3 days as being arbitrary, illegal, bad in Law, and consequently set aside the same.

IA NO: 1 OF 2022

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 grant stay of all further proceedings in M.C. No. 90/2022, Dated, 10-05- 2022 (issued on 16-05-2022) issued by the 2nd Respondent, pending disposal of the main Writ Petition.

Counsel for the Petitioner: SRI LAXMAIAH KANCHANI

Counsel for the Respondent Nos. 1 & 2: AGP FOR REVENUE

Counsel for the Respondent No.3: GP FOR HOME

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE MUMMINENI SUDHEER KUMAR

WRIT PETITION No.32165 of 2022

ORDER:

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

2. Petitioner herein claims that he is a coolie by profession. On 10.05.2022 he was made to execute a bond of good behaviour for an amount of Rs.2,00,000/-.

3. While so, on 16.05.2022, a notice for forfeiture of bond of good behaviour was issued by respondent No.2 alleging that petitioner committed breach of bond by involving in an offence under the provisions of the Prohibition and Excise Act, 1955. The basis of the said notice is letter addressed by the Prohibition and Excise Station, Mahabubabad, Mahabubabad District.

4. From a reading of the impugned notice, it is seen that no prior opportunity was given to the petitioner to explain his stand before ordering forfeiture of the amount furnished by him earlier. That apart, the reason assigned for forfeiture is alleged involvement of the petitioner in a crime.

5. Mere involvement in a crime would not 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 16.05.2022 is unsustainable.

6. Accordingly, the impugned notice is set aside and the writ petition is allowed.

7. However, it is made clear that this order would not preclude the authorities to proceed with the matter in future in accordance with law, if warrants.

Miscellaneous Petitions, if any, pending in this writ petition shall stand closed.

SD/- K. ONESIM
DEPUTY REGISTRAR
GJP
SECTION OFFICER

//TRUE COPY//

To,

1. The Principal Secretary, Revenue Department, State of Telangana, Secretariat, Hyderabad.
2. The Mandal Executive Magistrate-cum Tahasildar, at Mahabubabad, Mahabubabad District.
3. The Station House Officer, Prohibition and Excise Station, At Mahabubabad, Mahabubabad District.
4. One CC to SRI LAXMAIAH KANCHANI, Advocate [OPUC]
5. Two CCs to GP for Revenue, High Court for the State of Telangana at Hyderabad. [OUT]
6. Two CCs to GP for Home, High Court for the State of Telangana at Hyderabad. [OUT]
7. Two CD Copies.
8. One Spare Copy

MP
GJP



HIGH COURT

DATED:11/08/2022

ORDER

WP.No.32165 of 2022



ALLOWING THE WRIT PETITION
WITHOUT COSTS

(11) VW
2/9/22