

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

TUESDAY, THE THIRTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HON'BLE SRI JUSTICE MUMMINENI SUDHEER KUMAR

WRIT PETITION NO: 35433 OF 2022

Between:

Banothu Ramesh, S/o Lachiram Aged about 26years, Caste S.T.Lambada,
Occ. Cooli, R/o. Patha Donabandathanda (V), Peddavedu Post, Mattam Pally
(M), Nalgonda Dist, Telangana State.

...PETITIONER

AND

1. The State of Telangana, Rep. by its Principal Secretary, Revenue Department, Secretariat, Hyderabad.
2. The Executive Magistrate-cum-Tahsildar, Mattampally Mandal, Nalgonda District.
3. The Station House Officer, Huzumagar, Prohibition and Excise Station, Huzumagar, Nalgonda 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 order passed by the 2nd Respondent 24/8/2022 directing the petitioner to pay a Penalty of Rs.2,00,000 and in default of paying the said amount adjudging the petitioner from imprisonment until such bond period is highly arbitrary, illegal, bad and illegal and consequently set aside the same and to grant.

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 pursuant to the Notice of forfeiture. issued by the 2nd respondent Dated.24/08/2022 issued by the 2nd respondent, Pending Disposal of the main Writ petition.

Counsel for the Petitioner: SRI KISHAN BHUKYA

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

**Counsel for the Respondent No.3: AGP FOR PROHIBITION AND EXCISE
&HOME**

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE MUMMINENI SUDHEER KUMAR

WRIT PETITION No.35433 of 2022

ORDER:

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

2. This writ petition is filed questioning the show cause notice, dated 24.08.2022, issued in M.C.No.A/51/2022, dated 24.08.2022, issued by respondent No.2 herein requiring the petitioner to explain why he should not pay penalty amount of Rs.2,00,000/- or to show cause within three (3) days from the date of receipt of such notice. As the impugned proceedings are only a show cause notice, this Court is not inclined to entertain this writ petition, at this stage. The petitioner herein, instead of submitting his explanation pursuant to the show cause, approached this Court by invoking the jurisdiction of this Court under Article 226 of the Constitution of India.

3. Accordingly, the writ petition is dismissed. However, liberty is granted to the petitioner to submit his explanation in response to the impugned show cause notice, dated 24.08.2022, within a period of two (2) weeks from today and on submission of such

explanation, respondent No.2 shall consider the same and pass orders thereon, in accordance with law. Till passing of such orders by respondent No.2, no coercive action shall be taken against the petitioner.

Miscellaneous Petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

//TRUE COPY//

SD/-I.NAGALAKSHMI
DEPUTY REGISTRAR
SECTION OFFICER

To,

1. One CC to Sri Kishan Bhukya, Advocate [OPUC]
2. Two CCs to GP for Revenue, High Court for the State of Telangana at Hyderabad. [OUT]
3. Two CCs to GP for Prohibition and Excise, High Court for the State of Telangana at Hyderabad. [OUT]
4. Two CD Copies
5. One Spare Copy

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HIGH COURT

DATED:13/09/2022

ORDER

WP.No.35433 of 2022



DISMISSING THE WP
WITHOUT COSTS

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29/10/22
BS-4/wo