

M/S Hanuman Traders vs State Of Telangana on 1 October, 2024

Author: B. Vijaysen Reddy

Bench: B. Vijaysen Reddy

THE HONOURABLE SRI JUSTICE B. VIJAYSEN REDDY

WRIT PETITION No.27121 OF 2024

ORDER :

(ORAL) This writ petition is filed by the petitioner seeking to declare the action of respondent No.6 - the Station House Officer, Narayanapet Police Station, in interfering with the business activity of the petitioner run under the name and style of 'M/s. Hanuman Traders', #3-1-30, Saraf Bazar, Narayanapet, Mahabubnagar District, vide registration No.36BGGPA6538J1ZB, as being illegal and arbitrary.

2. Heard Mr. Y. Bala Murali, learned Counsel for the petitioner; and Mr. Rakonda Laxmikanth Reddy, learned Assistant Government Pleader for Home.

3. Learned counsel for the petitioner submitted that petitioner is carrying out business in the name and style of 'M/s. Hanuman Traders', #3-1-30, Saraf Bazar, Narayanapet, Mahabubnagar District, vide registration No.36BGGPA6538J1ZB. It is submitted that petitioner is not selling Gutka, Pan Masala products, thus, there is no violation of the provisions of the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (COTPA Act) and the Food Safety and Standards Act 2006 (FSSA 2006). Despite the same, respondent authorities are interfering in the business activity of the petitioner.

4. Learned Assistant Government Pleader for Home, having received written instructions dated 30.09.2024 from the Sub-Inspector of Police, Narayanapet Police Station, submitted that on 11.09.2024 the Sub-Inspector of Police, Narayanapet Police Station on receipt of credible information that petitioner is doing business in Tobacco products, visited the business premises of the petitioner and found that petitioner is selling banned tobacco products and following products are seized under the cover of confession-cum-seizure panchanama in the presence of mediators

(i) Sagar Pan Masala - 51 packets, (ii) SR-1 Tobacco - 52 packets and (iii) V-1 Tobacco - 51 packets, total worth of Rs.10,555/-.

5. Learned Assistant Government Pleader for Home further submitted that basing upon the confession-cum-seizure panchanama, a case in Crime No.222 of 2024 was registered with Narayanapet Police Station for the offences punishable under Sections 223, 272, 275 of Bharatiya Nyaya Sanhita 2023 (BNS) and Section 20(2) of COTPA Act against the petitioner. The

Sub-Inspector of Police, Narayanapet Police Station, also served a notice under Section 35(3) of the Bharatiya Nyaya Suraksha Sanhita, 2023 (BNSS) on the petitioner. After completion of investigation, charge sheet was filed before the learned Judicial Magistrate of First Class, Narayanapet (for short 'Trial Court') and Calendar Case number is awaited.

6. Learned Assistant Government Pleader for Home also submitted that except conducting investigation and filing charge sheet, respondent No.6 neither interfered in the business of the petitioner nor harass him. The allegations made in the writ petition are false, baseless and concocted.

7. Recording the aforesaid submissions of learned Assistant Government Pleader for Home, the writ petition is disposed of. Further, respondent No.6 - the Station House Officer, Narayanapet Police Station, is directed not to interfere in the business of the petitioner unless he is involved in sale of Tobacco or other banned products. There shall be no order as to costs.

As a sequel thereto, miscellaneous applications, if any, pending in the writ petition stand closed.

_____ B. VIJAYSEN REDDY, J October 01, 2024 MS