

**THE HON'BLE THE CHIEF JUSTICE RAGHVENDRA SINGH CHAUHAN
AND
THE HON'BLE SRI JUSTICE B. VIJAYSEN REDDY**

WRIT PETITION (PIL) No. 132 OF 2020

ORDER : (Per the Hon'ble the Chief Justice Raghvendra Singh Chauhan)

Mr. Tummala Narsimulu, the petitioner, has filed the present Public Interest Litigation ostensibly on the ground that the Toddy Tappers Cooperative Society, the respondent No. 5, is selling adulterated toddy in and around Gadwal Town, Jogulamba Gadwal District. Despite the fact that on 12.11.2019, the petitioner had submitted a representation before the Principal Secretary, Revenue (Excise) Department, Government of Telangana, respondent No.1, with regard to the illegal activities of respondent No. 5, the respondent Nos. 1 to 4, namely, the Principal Secretary, Revenue (Excise) Department, the Commissioner of Prohibition & Excise, the Deputy Commissioner of Prohibition and Excise, Mahabubnagar Division, the District Prohibition & Excise Officer/Prohibition and Excise Superintendent, Gadwal respectively, are not taking any action against the illegal activities of the respondent No. 5.

Mr. B. Mahender Reddy, the learned counsel for the petitioner, submits that on 11.08.2009, the Task Force Officials from Hyderabad had registered a case against the respondent No. 5 for indulging in and selling of toddy, which was adulterated with psychotropic substances, like Alprazolam, Chloral Hydrate and Diazepam. Even on 20.06.2014, two cases were registered against the respondent No. 5 for adulteration of toddy with Alprazolam. Furthermore, on 02.07.2014, two more cases were registered against the Society. Despite the fact that the license has been suspended in 2019, inspite of the fact that a representation has been submitted by the petitioner to respondent No. 1, the respondent No. 5 continues to sell spurious toddy, which is laced with Alprazolam, Chloral Hydrate and Diazepam, all of which are classified as

psychotropic substances under the Narcotic Drugs and Psychotropic Substances Act. Therefore, the respondent Nos. 1 to 4 should be directed to take stringent action against respondent No. 5.

On the other hand, Mr. Arun Kumar, the learned Government Pleader for Prohibition and Excise, submits that the allegations made by the petitioner have not been substantiated by any cogent and convincing evidence. Moreover, the license issued to the respondent No. 5 has been renewed from 01.10.2017 till 30.09.2022. Therefore, permission has been granted to the said respondent for carrying on its trade of selling toddy. Since there is no evidence that the said respondent is adulterating the toddy with psychotropic substances, the present PIL is a frivolous one. Therefore, according to the learned counsel, the PIL deserves to be dismissed forthwith.

Heard the learned counsel for the parties.

Public Interest Litigation is a jurisdiction, which has been created, especially by the Hon'ble Supreme Court, for voicing the interests of the voiceless and faceless. Moreover, while filing a PIL, the petitioner is required to substantiate all the allegations with cogent and convincing evidence. Therefore, this Court has asked the learned counsel for the petitioner to produce any evidence to show that the toddy, being sold by respondent No. 5, is laced with psychotropic substances. To this query, the learned counsel for the petitioner submits that criminal cases were registered against the respondent No. 5 for adulterating the toddy with psychotropic substances in 2009 and 2014. Therefore, the petitioner is justified in alleging the same even in the year 2019 and 2020.

The position taken by the learned counsel for the petitioner is highly misplaced. For, there is no presumption in law that merely because the respondent No. 5 may have committed an illegality in the year 2009 and 2014, it continues to commit the same illegal act even in the year 2019 and 2020.

Moreover, a perusal of the representation, dated 12.11.2019 clearly reveals that although the allegation of adulterating the toddy has been made in the representation, absolutely, no cogent and convincing evidence has been submitted along with the representation. Merely, a bald statement has been made without any supporting evidence.

Although the learned counsel for the petitioner claims that the license granted to the Society has been suspended, the learned Government Pleader for Prohibition and Excise Department, submits that, in fact, the license has been renewed for the period from 01.10.2017 till 30.09.2022. Therefore, permission has been duly granted by the Department to the respondent No. 5 to carry on its trade of selling toddy. Hence, the sale of toddy by the respondent No. 5 cannot be said to be an illegal act.

For the reasons stated above, this Court does not find any merit in the present writ petition; it is, hereby, dismissed at the admission stage. No order as to costs.

Pending Miscellaneous Petitions, if any, stand closed.

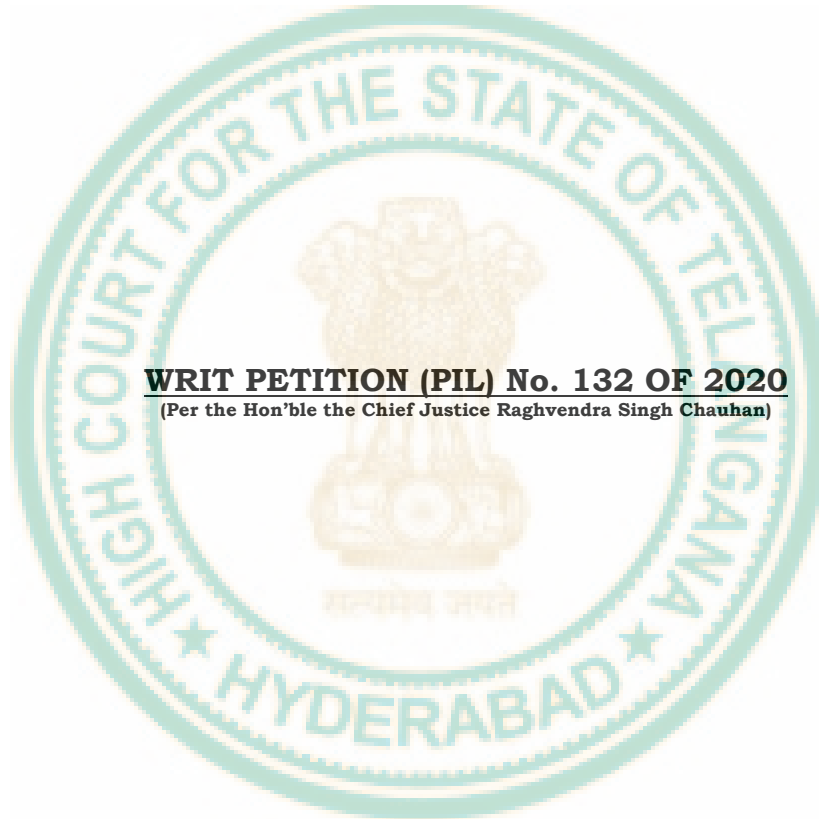
(RAGHVENDRA SINGH CHAUHAN, CJ)

(B. VIJAYSEN REDDY, J)

August 26, 2020

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**THE HON'BLE THE CHIEF JUSTICE RAGHVENDRA SINGH CHAUHAN
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26.08.2020

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