

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 9790 of 2015

ORDER:

The petitioner-Company challenges the Notice dated 11.03.2015 issued by the District Collector, YSR District.

2. Brief facts that are necessary for disposal of the writ petition are that the petitioner has been granted lands over an extent of Ac.117-53 cents in Survey No. 571/1 of D.Nelaturu village and an extent of Ac.488-74 cents in Survey No.900/2 of Dirasavancha village of B. Mattam mandal, YSR District, by the District Collector vide G.O.Ms.No.869 dated 20.08.2009. Pursuant to the said G.O., alienation proceedings were issued by the District Collector, and possession was handed over to the petitioner. The petitioner has been utilizing the said lands for the purpose of nursery and also for the purpose of developing medicinal plants. The produce is being utilized by the petitioner at their plant at Medarametla, Prakasam district. While so, for the reasons best known to them and at the instance of third parties, the present show cause notice has been issued. For the purpose of issuance of show cause notice, the report of Revenue Divisional Officer and the Joint Inspection notes of Deputy Inspector of Survey, Rajampet, Joint Director of Agriculture, Kadapa and Revenue Divisional Officer was relied upon. It is the specific case of the petitioner that the visit of the officers for inspection was never intimated to the petitioner and the petitioner was not provided any opportunity to be part of the inspection. The petitioner states that it is a company specializing in development of new medicines based on various medicinal plants and it is difficult for the authorities like the Revenue Divisional Officer and Deputy Inspector of Survey and even for the agricultural officers to know the difference between regular agricultural produce and medicinal plants.

3. Learned counsel for the petitioner urges before this Court the various observations made by the Joint Inspection team in the Joint Inspection notes and disputes the observations both technically and legally.

4. Learned Special Government Pleader Sri K. Ramesh, appearing on behalf of the learned Additional Advocate General, opposes the writ petition and submits that it is only a show cause notice and the petitioner can submit his explanation and the petitioner is also at liberty to urge all the points before the authorities. Learned

Special Government Pleader also submits that *prima facie* the Joint Inspection report as well as the report of the Revenue Divisional Officer is clear that there is violation of conditions of grant, particularly, the aspect of not establishing the processing plant for the purpose of manufacture of medicines as claimed by the petitioner. As a matter of fact, the learned Special Government Pleader asserts that this aspect is not being disputed by the petitioner and it is admitted and, thus, he opposes the very admission of the writ petition.

5. Having heard both the learned counsel and having considered the allegations and counter allegations, this Court is of the opinion that a Joint Inspection wherein the petitioner's representatives are also present would put the controversy in issue so far as the ground reality is concerned, which is readily agreed to by both the counsel.

6. Learned Special Government Pleader, on instructions, submits that the Joint Inspection can be fixed on 17.04.2015, for which the learned counsel for the petitioner has no objection. However, considering the apprehension of the petitioner that the Agricultural Department officials may not be familiar with the medicinal plants which come under a special category called as Horticulture produce, I deem it appropriate to direct the Horticulture officer, Mydukur, or any other officer who has knowledge and familiarity with medicinal plants, to be included in the Joint Inspection team, apart from the agricultural officer of the local area. The petitioner's representative shall also be present and the petitioner is at liberty to place on record all the material, both technical and non-technical, with respect to its contentions, before the Joint Inspection team. The Joint Inspection report shall be drawn by all the parties together, and in case there is a difference of opinion, the same shall be recorded and the respective parties are at liberty to make their submissions in writing. Thereafter, the petitioner shall submit its explanation to the show cause notice dated 11.03.2015, which shall be considered by the authorities, in accordance with law.

7. The writ petition is accordingly disposed of. No order as to costs. Miscellaneous petitions, if any pending in this writ petition, shall stand closed.

CHALLA KODANDA RAM, J

13th April, 2015

Note: Issue C.C. today.

B/o

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