

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.6292 OF 2012

-

ORDER:

This writ petition is filed challenging the Notice vide Reference No.688/2012/F, dated 22.02.2012, wherein the petitioner was asked to shift the aluminum factory from the residential area to industrial zone.

The case of the petitioner is that the 1st respondent has issued sanctioned proceedings for installation of 5 H.P.Electric Motor to run Aluminum industry in the premises bearing D.No.16-590, Panagal Main Road, Srikalahasti, Chittoor District and the same was being run for the last 26 years. It is stated that the factory is at a distance of 50 feet away from the main road. The petitioner also obtained permanent registration which was issued by the Department of Industries on 06.04.1987. It is also asserted that the area in which the factory is located is an industrial area at the time of granting permission to the petitioner and that in view of growing urban agglomeration some residential houses have come up in the neighborhood of the petitioner's factory. While so, basing on the complaint of one Ms.Hemalatha, the 1st respondent issued notice dated 22.02.2012, without marking any copies in the reference cited, stating that in the Master Plan the petitioner's industry is located in the residential house zone and directed the petitioner to shift the industry within 15 days. Though, the petitioner has submitted reply on 25.02.2012, without passing any orders on the same, the respondents are trying to seize the factory. Aggrieved by the same, present writ petition is filed.

Heard learned counsel for the petitioner and Sri

M.D.Saleem, learned Standing Counsel for the 1st respondent.

A perusal of the impugned proceedings dated 22.02.2012 goes to show that the same was issued straightaway without any prior notice. Further, though the petitioner stated that he submitted explanation on 25.02.2012, without passing any orders, the respondents are trying to shift the petitioner's factory.

Since this Court has granted interim stay on 07.03.2012, no purpose would be served in keeping the writ petition pending. In view of the above, the impugned proceedings dated 22.02.2015 shall be treated as notice and the petitioner may also file explanation, within a period of four weeks from today. On such explanation being filed by the petitioner, the 1st respondent-Municipality may consider the same and pass appropriate orders in accordance with law and take action accordingly. Till then, there shall be *Status Quo* obtaining as on to day shall be maintained by both the parties.

With the above direction, the writ petition is disposed of. No order as to costs.

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

A.RAJASHEKER REDDY, J

23.06.2015

tk