

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.1308 OF 2015

ORDER:

The writ petition is filed questioning the show cause notice dated 20.01.2015 issued to one Chillakuru Annapurnamma, W/o.Balreddy, Vdyanagar, Kota Mandal. The allegation in the show cause notice is that the Prawn Processing Plant is occupying the agricultural channel in Gram Panchayat of Venkannapalem at Kota Mandal illegally and also letting out pollutants. This information is based on complaints made by Assistant Executive Engineer, Irrigation Department, Kota and also the residents of that locality to the Revenue Divisional Officer and the Collector. The Revenue Divisional Officer and Collector said to have instructed the Tahsildar to take necessary action, hence, the show cause notice. Through the show cause notice, the Tahsildar called for explanation from Smt.Chillakuru Annapurnamma to be submitted within four days.

Learned counsel for the petitioner submitted that no notice as such was given to the petitioner, which is a proprietary concern. Whereas, a reference is made to the Prawn Processing Plant, which is owned by the proprietary concern, which is an independent plant and having separate legal entity. By issuing notice to the grandmother of the proprietor, proceeding with the proposed action of demolition by the respondents is arbitrary and illegal.

Learned Assistant Government Pleader opposes the writ petition and submits that it is only a show cause notice and it is open to the petitioner to offer explanation.

The contention of the learned counsel for the petitioner is well founded and it is well settled that an action adverse to the person resulting in civil damage and civil consequences cannot be passed without putting such person on notice. As the show cause notice discloses that the same having been issued to an individual, who is not

concerned, the petitioner cannot be expected to offer its explanation.

In that view of the matter, the writ petition is disposed of and it is made clear that no adverse action shall be taken against the petitioner based on the notice issued to Smt.Chillakuru Annapurnamma. No order as to costs. Miscellaneous petitions pending if any in this writ petition, shall stand closed.

JUSTICE CHALLA KODANDA
RAM

29.01.2015
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THE HON’BLE SRI JUSTICE CHALLA KODANDA RAM

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