THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN
And

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

WRIT PETITION No.8230 of 2006

ORDER: (per Hon'ble Sri Justice Ramesh Ranganathan)

The relief sought for in this Writ Petition is to declare the action of the respondents, in issuing a notification under Section 27 of the Andhra Pradesh Revenue Recovery Act, 1864 (for brevity, 'the Act') dated 31.01.2006, as arbitrary and illegal.

In the impugned notification dated 31.01.2006, published in the West Godavari District gazette, it is stated that, unless the arrears due from the petitioner, with interest and other charges, are paid within fifteen days, the property would be brought to sale in due course of law. The impugned notification is questioned on the ground that, in terms of G.O.Ms.No.952 dated 10.09.2003, the Government had waived the outstanding demand relating to levy of rural development cess on the actual purchase price paid by millers over and above the minimum support price of paddy, and also the outstanding arrears towards sales tax on the rural development cess component of the purchase value of paddy till date and, in terms of G.O.Ms.No.290 dated 07.03.2006, the Government had decided to grant subsidy equal to the rural development cess payable on the purchase value of paddy corresponding to the quantum of rice milled therefrom and exported outside the country. Enforcement of collection of such demands raised were also stayed pending sanction and release of subsidies after the procedure and mechanism for disbursement of the same is established.

Placing reliance on these two G.Os., the petitioner claims that, in view thereof, the impugned notification is illegal. It is necessary to note that seeking the benefit of G.O.Ms.No.952 dated 10.09.2003, the petitioner filed W.P.No.23416 of 2004 before this Court and a Division Bench of this Court, by its order dated 16.12.2004, directed the second respondent therein to consider the representation of the petitioner in accordance with law, and to dispose of the same by a speaking order within a period of two weeks from the date of communication of the order. Contending that the respondents had not disposed of the said representation, the petitioner again invoked the jurisdiction of this Court and, by order in W.P.M.P.No.10528 of 2006 dated 24.04.2006, interim stay was granted. This Writ Petition has been pending on the file of this Court for nearly a decade, and the petitioner has had the benefit of an interim order of stay all through.

While S.Suri Babu, learned Special Standing Counsel for Commercial Taxes, would submit that the petitioner's representation was considered and rejected, and it was only thereafter that action was initiated against him under the Andhra Pradesh Revenue Recovery Act, it is unnecessary for us to dwell on this aspect any further, as the benefit of G.O.Ms.NO.952 dated 10.09.2003 was already sought for in W.P.No.23416 of 2004, and the Division Bench had directed the respondents to consider the representation. It was not open to the petitioner, therefore, to invoke the jurisdiction of this Court again seeking the benefit of G.O.Ms.No.952 dated 10.09.2003. Any grievance, which the petitioner may have regarding non-consideration of his representation, cannot be agitated in subsequent writ proceedings and the petitioner's remedy, for violation of the order of this Court, lies elsewhere.

The Writ Petition as filed is wholly misconceived and is, accordingly, dismissed. Miscellaneous Petitions pending, if any, shall also stand dismissed. There shall be no order as to costs.

RAMESH RANGANATHAN, J

M.SATYANARAYANA MURTHY, J

22nd March, 2016.
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