

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.42213 OF 2016

DATED : 05.12.2016

Between :

A. Anil Kumar, S/o.A.Veera Raghava Rao,
Aged about 43 yrs, Sambasiva Saw Mill and Timber Depot,
Sy.No.393/3, Guntupalli Village,
R/o.75-4-9/1A, Bhagatsingh Road,
Near PRK Building, Bhavanipuram,
Vijayawada, Krishna District.

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Petitioner

And

State of Andhra Pradesh,
Rep., by its Principal Secretary,
Municipal Administration Urban Development,
Secretariat, Hyderabad & others.

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Respondents



This court made the following :

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ORDER :

Heard learned counsel for the petitioner and learned Standing counsel for 2nd respondent.

2. Petitioner challenges the order dated 26.11.2016 confirming the provisional decision holding that petitioner was undertaking establishment of saw mill contrary to the Zonal Development Plan, within the Capital Region Development Area governed by Andhra Pradesh Capital Region Development Authority Act, 2014 (for short 'the CRDA Act').

3. The principal contention of the learned counsel for the petitioner is that the said order is not preceded by notice or opportunity of hearing and straight away this order is passed. He would submit that petitioner has obtained permission from the Gram Panchayat of the village, where the property is situated and also permission from Forest Department. Therefore, petitioner was validly undertaking establishment of saw mill.

4. Learned Standing Counsel representing CRDA, on instructions, would submit that notice was issued to the petitioner on 05.10.2016, but no explanation is filed. Therefore, the impugned order is validly passed. According to him, the Zonal Development plan prohibits establishment of a saw mill in the village.

5. As seen from the provision under Section 108 of the CRDA Act, permission for establishment of any unit within the CRDA

limits has to be obtained from the Commissioner. It appears that no such permission was obtained. Whereas, permission was granted by the Gram Panchayat. Whether granting of permission by the Gram Panchayat is valid is a matter for consideration.

6. Since petitioner complains that he could not submit his explanation and having regard to the fact that after obtaining permission from the Gram Panchayat and Forest Department, petitioner started establishment of saw mill unit, I deem it proper to grant one opportunity to the petitioner. The proceedings dated 26.11.2016 shall be treated as show cause notice and petitioner shall file his explanation within a period of two (2) weeks from the date of receipt of copy of this order. As and when such explanation is received, the same shall be considered and appropriate decision be made by the competent authority as warranted by law, and the same shall be communicated to the petitioner. Subject to filing the explanation as directed above, no coercive steps shall be taken against the petitioner till the final orders are passed. Petitioner is also directed not to undertake further construction activity or creation of facilities for the purpose of saw mill unit, till the orders are passed by the competent authority as directed above. If no explanation is filed by the petitioner within the time granted, it is open to the respondents to proceed in accordance with the order dated 26.11.2016 without further notice.

7. With the above directions, the Writ Petition is disposed of. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

5th December, 2016
Rds

P.NAVEEN RAO,J

