

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.39120 OF 2016

DATED : 22.11.2016

Between :

C. Balaramudu S/o.C.Narayana,
Aged about 57 yrs,
R/o.MIG 153, A.P.Housing Board Colony,
Adoni, Kurnool District.

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Petitioners

And

The State of Andhra Pradesh,
Rep., by its Principal Secretary,
Industries & Commerce (Mines-I) Department,
Velagapudi, Guntur District & others.

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Respondents



This court made the following :

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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ORDER :

Petitioner is the proprietor of M/s.Lakshmi Venkateswara Stone Crushing Unit and is running stone crushing unit in Bychigeri Village, Adoni Mandal, Kurnool District. This unit was granted quarry lease in Sy.No.79 of Bychigeri Village. Petitioner alleges that he was issued a demand notice alleging violation of the lease conditions. Aggrieved by the demand notice, petitioner preferred a revision and the said revision is pending. While so, he was served with another demand notice in proceedings No.1776/Q1/2008 dated 30.09.2014. Petitioner alleges that this demand notice was actually issued against M/s. Lakshmi Venkateswara Hot Mixing Plant unit owned by T.C. Venkateswarlu. Whereas petitioner is no way concerned with the said unit. Challenging the same, this writ petition is filed.

2. Learned Assistant Government Pleader, on instructions, submits that due to mistake this notice was addressed to the petitioner. This notice was actually intended to M/s. Sri Lakshmi Venkateswara Hot Mixing Plant owned by T.C..Venkateswarlu and infact T.C.Venkateswarlu had already filed revision and the same is pending. She would fairly submit that by mistake this was issued and it is wrongly proceeded against the petitioner and actually it should be proceeded against M/s.Sri Lakshmi Venkateswara Hot Mixing Plant Unit, owned by T.C.Venkateswarlu.

3. In view of the said submission, the demand notice served on the petitioner is liable to be set aside and is accordingly set aside. However, it is made clear that the demand as made against M/s.Sri Lakshmi Venkateswara Hot Mixing Plant Unit owned by Sri T.C.Venkateswarlu continued to be processed as originally served on him and the revision filed by Sri T.C.Venkateswarlu shall also be processed accordingly.

With the above observations, the Writ Petition is allowed. There shall be no order as to costs.

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

22nd November, 2016
Note : Issue c.c. in one week
B/o.
Rds

P.NAVEEN RAO,J

