

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.27445 of 2005

ORDER:

This Writ Petition is filed by the petitioner, under Article 226 of the Constitution of India, seeking to declare the actions of the respondents in issuing proceedings *vide* D.O.Letter. No.F2/11455/05, dated 27.07.2005, and the notification in Eenadu, Guntur Edition, dated 09.12.2005, and demand for licence fee under the Factories Act, 1948, from the petitioner's rice mills as wholly arbitrary, illegal, unlawful, unconstitutional and also in violation of principles of natural justice.

2. Heard both sides and perused the material available on record.

3. The case of the petitioner is that the members of the petitioner association are the owners of non-trading rice mills carrying on the operation of ~~de~~-husking the paddy and convert the same into rice after obtaining necessary certification from the District Industries Centre. While so, the respondent authorities have issued proceedings *vide* Letter No.F2/11455/05-1, dated 27.07.2005, informing the petitioner that the rice mills attract all the provisions of the Factories Act, 1948 and demanded for licence fee under the Factories Act, 1948, from the members of the petitioner association and a notification in Eenadu, Guntur Edition, dated 09.12.2005, was also issued to this extent. It is also submitted that the 3rd respondent is making personal visits to the premises of the members of the petitioner association and is insisting for licence fee and threatening with dire consequences

of closing and sealing of the premises without serving any demand notice in writing to any of the members of the petitioner association.

4. When the matter is taken up for hearing, it is informed by the learned counsel for the petitioner that some of the members of the petitioner association are not running the units and they are also continuing to pay the licence fee.

5. Admittedly, the writ petition was admitted on 26.12.2005, but no interim order was passed.

6. Taking into consideration the facts and circumstances of the case and in view of the fact that no interim order is passed in the writ petition, this Court is of the view that there is nothing to interfere with the order, which is under challenge and accordingly, the writ petition is liable to be dismissed.

7. Accordingly, the Writ Petition is dismissed. There shall be no order as to costs.

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

RAJA ELANGO, J

Date: 5th September, 2017

KL

158**THE HONOURABLE SRI JUSTICE RAJA ELANGO****WRIT PETITION No.27445 of 2005**Date: 5th September, 2017

KL