

HONOURABLE SRI JUSTICE S.V.BHATT

CRIMINAL PETITION No.14912 OF 2013

ORDER;

The petitioner challenges notice issued in Form No.20 under Section 133 of Criminal Procedure Code.

The circumstances leading to the issuance of show cause notice impugned in the Criminal Petition are referred to in Writ Petition No.503 of 2014.

For brevity, the circumstances are not adverted to once again. On 16-12-2013, this court granted stay of all further proceedings pursuant to notice dated 5-12-2013. Further, this court ordered writ petition No.503 of 2014 directing the authority under Tobacco Barren Act, 1975 to consider and dispose of the application filed by petitioner for grant of licence to establish and operate tobacco barren in an extent of 686 square yards of Madyanapuvarigudem for short "subject matter". The basis for issuing the notice impugned in the Criminal Petition is alleged unauthorised establishment and apprehended operation of tobacco barren. The petitioner, if is successful in obtaining a licence from competent authority, prima facie, the allegation of nuisance cannot and could not be accepted. While disposing of writ petition, it is further made clear that the petitioner will not undertake any activity at the subject matter of notice without permission from the competent authority. Therefore, the Criminal Petition is disposed of as follows:

Interim order granted by this court on 16-12-2013 is directed to be continued for a period of three months and the petitioner, if gets licence, the petitioner is given liberty to submit explanation to second respondent for passing appropriate orders on the proceedings already initiated under Section 133.

Criminal Petition is ordered as indicated above.

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JUSTICE S.V.BHATT

Dated 20-3-2017.

Dvs.



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Dated 20-3-2017.

Dvs