

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.31965 OF 2017

ORDER:

Heard learned counsel for petitioner and learned counsel for fifth respondent.

It is the case of the petitioner that Sri Venkata Kanakadurga Rice Mill was established by her father-in-law in the year 1982 after obtaining permission from the Joint Collector under the provisions of Rice Milling Industry (Regulation) Act, 1958. The licence was being renewed from time to time. After the death of her father-in-law, she continued the rice mill business. When she wanted to obtain the licence in her name, her husband's brother filed O.S.No.20 of 2017 for partition of the properties including the rice mill and the same is pending before the Principal District Judge, Srikakulam. The petitioner sates that she paid the licence fee for the year 2015-16 to the fifth respondent. When the fifth respondent issued a notice on 13.09.2017 asking the petitioner to close the rice mill on the ground that the rice mill is being run without proper permissions, beyond the capacity and causing pollution to the neighbours, failing which the action should be initiated against the petitioner under the provisions of the A.P.Panchayat Raj Act, she filed the present writ petition.

Learned counsel for the petitioner submits that along with the said notice, the rice mill was sealed and the petitioner is not being allowed to run the rice mill. He further submits that before issuing the notice, no opportunity was given to the petitioner.

This Court carefully perused the impugned notice, which was issued based on the orders of the Collector dated 27.07.2017 and that of the District Collector (Panchayat Wing) dated 29.07.2017. The

Order of the District Collector (Panchayat Wing) contained several grounds for taking action against the petitioner rice mill. But it is clear from the record that no opportunity was given to the petitioner on the grounds raised by the District Collector (Panchayat Wing) in his letter dated 29.07.2017.

In the circumstances, in view of the present notice, it is open to the petitioner to submit a detailed explanation on the grounds raised by the second respondent in his letter dated 29.07.2017 and also in the impugned notice within a period of one week from the date of receipt of a copy of this order and after considering the same, the fifth respondent shall pass appropriate orders in accordance with law after hearing the complainant and the petitioner. Till such time, the rice mill business of the petitioner shall not be interfered. If the petitioner does not submit her explanation within one week, it is open to the fifth respondent to take appropriate action in accordance with law.

The writ petition is accordingly disposed of. Consequently, miscellaneous petitions, if any pending, shall stand closed. There shall be no order as to costs.

A.RAMALINGESWARA RAO, J

05.10.2017

Note: Issue order copy by 07.10.2017.

(By order)
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