

THE HON'BLE SRI JUSTICE P. KESHA RAO

CRIMINAL REVISION CASE No.2011 OF 2018

ORDER:

Heard learned counsel for the petitioner as well as learned Public Prosecutor appearing for the respondents.

2. The present Criminal Revision Case is filed questioning the orders passed in Rc.No.C/116/2018, dated 30.04.2018, by the Tahsildar and Mandal Executive Magistrate, Khammam Rural, Khammam District, under Section 133 Cr.P.C., directing the Mandal Girdawar I and II, Khammam Rural, to seize the water plant, under the cover of panchanama, run by the petitioner herein.

3. The facts, in brief, are that the Government of Andhra Pradesh issued orders in G.O.Rt.No.1205, Panchayat Raj & Rural Development (RWS II) Department, dated 17.08.2009, to provide pure and packed drinking water to the people in rural areas of Andhra Pradesh. Pursuant to the said orders, the petitioner has been allotted a unit to provide purified drinking water to the village people of Polepalli, Khammam District. Accordingly, the petitioner established the said water plant and was providing drinking water to the needy people. While the matter stood thus, the 2nd respondent issued a notice in proceedings Rc.No.C/116/2018, dated 13.04.2018, directing the petitioner to appear in-person along with relevant material in connection with the established Packaged Drinking Water

Manufacturing Unit (Water Plant) on 28.04.2018. However, as there was a function in the family of the petitioner, she could not appear before the 2nd respondent and submit her explanation.

4. It is relevant here to mention that prior to issuance of notice, when a third party filed W.P.No.19685 of 2017 seeking indulgence of this Court to stop the petitioner herein from providing purified drinking water to the villages on the ground of not having ISI mark for running and supplying the water, the said writ petition was disposed of by this Court on 19.06.2017 directing the respondents therein to consider the representation of the petitioner therein and to pass appropriate orders within a period of one month from the date of receipt of a copy of that order.

5. In the present case, since the petitioner has not appeared on 28.04.2018 before the 2nd respondent, the impugned order in Rc.No.C/116/2018, dated 30.04.2018, was passed directing the Mandal Girdawars I and II, Khammam Rural, to seize the water plant of the petitioner under the cover of panchanama. Aggrieved by the same, the present Criminal Revision Case is filed.

6. Learned counsel appearing for the petitioner would contend that the petitioner is not given any opportunity to participate and file the relevant material before the 2nd

respondent for passing appropriate orders. Learned counsel fairly conceded that as there was a family function on 28.04.2018, the petitioner was unable to appear before the 2nd respondent. As such, an opportunity may be given to the petitioner to put her case before the 2nd respondent. That apart, learned counsel for the petitioner also contended that while passing the impugned order, the 2nd respondent has not given any reason.

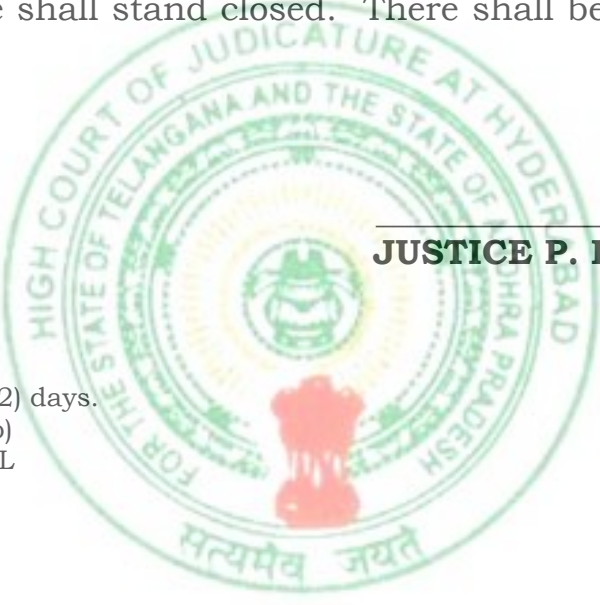
7. Learned Additional Public Prosecutor appearing for the respondents though supported the impugned proceedings, has stated that a perusal of the impugned proceedings does not indicate that the 2nd respondent has given any reason.

8. Having heard both the counsel and perusal of the material on record, particularly, the impugned proceedings, except extracting the orders of this Court in W.P.No.19675 of 2017 dated 19.06.2017, the 2nd respondent has not given any reason as to why the impugned proceedings were being issued. It is also not mentioned in the proceedings as to whether the petitioner herein has been running water unit in violation of any mandatory procedures, which are detrimental to the provisions. In these circumstances, this Court deems it appropriate to set aside the impugned proceedings.

9. Accordingly, the Criminal Revision Case is allowed setting aside the proceedings in Rc.No.C/116/2018, dated 30.04.2018.

However, the petitioner is given liberty to file her detailed explanation along with relevant material before the 2nd respondent pursuant to notice issued in Rc.No.C/116/2018, dated 30.04.2018, within a period of two (2) weeks from today. On filing of such representation, the 2nd respondent is directed to consider the same and pass appropriate orders within a period of four (4) weeks thereafter.

Miscellaneous Petitions, if any, pending in this Criminal Revision Case shall stand closed. There shall be no order as to costs.



JUSTICE P. KESHA RAO

July 30, 2018

Note:

Issue C.C.in two (2) days.

(B/o)
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Date: July 30, 2018

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