

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.28430 OF 2018

ORDER:

The present writ petition came to be filed seeking to declare the action of the respondents in sealing the premises of the petitioner without issuing any proper notice, as illegal and arbitrary.

A perusal of the averments made in the writ affidavit would show that by an order dated 31.8.2012, this Court disposed of W.P.No.26580 of 2012 directing the respondents 2 and 3 therein to initiate proceedings against the petitioner in case of any violation being noticed within a period of one week from the date of order and if no such proceedings are initiated, the seizure shall be lifted. In compliance of the said order, the 3rd respondent herein lifted the seizure in respect of Maataram Foundation Nirmala Water Plant with immediate effect and directed the Mandal Revenue Inspector-II, Khammam Urban to hand over the seized mineral water plant to its legitimate owner under the cover of panchanama.

While things stood thus, on 22.6.2018 at about 4.30 p.m, some of the officials of the respondents visited the subject premises without issuing any proper notice and seized the water plant of the petitioner.

Learned Standing counsel for the Corporation would submit that no seizure would be effected without giving the notice, and notice of seizure has been issued to the petitioner before effecting the seizure.

Though the learned Standing Counsel submits that notice has been issued, no copy of the notice is produced in spite of the matter being adjourned couple of times.

Having regard to the facts and circumstances of the case, since the impugned seizure of the unit *prima facie* came to be made without issuing any proper notice, the respondent-authorities are directed to lift the seizure of the petitioner unit. Taking the act of seizure as a notice,

the petitioner is directed to give explanation to the 4th respondent-Commissioner, pursuant to the notice dated 25.6.2018, by 27.8.2018, in which event, the 4th respondent shall pass appropriate orders, as early as possible preferably within a period of six weeks, in accordance with law, after giving the reasonable opportunity of hearing to the petitioner and all the concerned.

With the above direction, the writ petition is disposed of. No order as to costs. As a sequel to disposal of the writ petition, WP.M.Ps if any pending shall stand closed.

Dated:21.08.2018.
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C. PRAVEEN KUMAR, J



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