

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.38156 OF 2018

DATED :29.10.2018

Between :

Sri Balaji Raw and Paraboiled Rice Mills Pvt.Ltd.,
Rep., by its Managing Partner, Tadikonda Viswanadham,
S/o.Lakshikanthaiah, Aged 65 yrs,
Occu : Business, R/o.24-2-12, Eluru Road,
Vijayawada, Krishna district.

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Petitioner

And

The Andhra Pradesh State Civil Supplies Corporation Ltd.,
Krishna D.No.1013.A, Civil Supplies Bhavan,
Governorpet, Vijayawada-2,
Rep., by its Joint Collector (EOED),
Krishna & others.

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Respondents



This court made the following :

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ORDER :

Heard learned counsel for the petitioner, learned Government pleader for Civil Supplies for respondent No.3 and Sri Kalamata Babu, learned Standing counsel for respondents 1 and 2.

2. This writ petition is filed challenging the proceedings dated 26.07.2018, where under an amount of Rs.27,71,628/- is sought to be recovered from the petitioner. The Tahsildar, Vijayawada Rural, was directed to initiate action under Revenue Recovery Act, for recovery of the above amount. The said order is under challenge primarily on the ground that the order was not preceded by notice and opportunity and petitioner was not informed as to how the said amount was due from him and if only an opportunity was afforded to him, he would have satisfied the competent authority about his stand opposing the decision to recover the amount.

3. Having regard to the content of the order, learned Standing counsel also did not dispute that the order was not preceded by notice and opportunity.

4. Having regard to the same, while disposing of the writ petition, the following directions are issued :

(i) The 1st respondent is directed to treat the proceedings dated 26.07.2018 as show cause notice.

(ii) Petitioner shall submit his explanation to the said show cause notice within two (2) weeks from the date of receipt of copy of this order.

(iii) On receiving the explanation, the 1st respondent shall consider the same and pass appropriate orders, as warranted by law, by assigning due reasons in support of the decision within further period of four (4) weeks.

(iv) Till a decision is made, no coercive action shall be taken against the petitioner. The 1st respondent shall inform the Tahsildar, Vijayawada Rural not to initiate proceedings under the Revenue Recovery Act, till further orders are passed in pursuant to these directions. Pending miscellaneous petitions shall stand closed.

29th October, 2018

Note : Issue c.c., in one week
B/o.
Rds

P.NAVEEN RAO,J

