

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

W.P.No.2049 and 2060 of 2019

COMMON ORDER

Since the similar issue is involved in both the writ petitions, they are being disposed of by this common order.

2. Heard learned counsel for the petitioners, learned Government Pleader for Municipal Administration and Urban Development for respondent No.1, learned Government Pleader for Revenue for Respondents 2,4 and 5, Sri N. Praveen Kumar, Learned Standing Counsel for respondent No.3 and learned Standing Counsels for respondent Nos.6 and 7.

3. The writ petitions are filed challenging the notices dated 08.01.2019 and 11.01.2019 respectively, issued by the 3rd respondent, directing the petitioners to close down their mineral water plants.

4. The assertion of the petitioners is that on earlier occasion, they filed writ petitions challenging the notices issued by the respondents in respect of their water plants and the same were disposed of by this Court directing them to submit their explanations treating the notices as show cause notices. Their further assertion is that due to Assembly Elections, the respondents have refused to receive the explanations sought to be submitted by them.

5. Though the learned counsel for the petitioners submits that the respondents have not received the explanations submitted by the petitioners, this Court is not inclined to accept the same as there is ample opportunity of dispatching their explanations through registered post in compliance of the orders of this Court. If the petitioners submitted their explanations through registered post and if the respondents failed to consider those explanations, it can be said that the respondents have failed their duty to consider the submissions made by them. Even as per the writ affidavit in W.P.No.2049 of 2019 and the enclosures submitted by the petitioners, the impugned notice is dated 08.01.2018 and they have submitted explanations on 19.01.2019 to the earlier show cause notice dated 24.08.2018.

6. In the above circumstances, considering the nature of the commodity, which the petitioners seek to supply to public, this Court is not inclined to interfere with the impugned notices at this stage. However, inasmuch as the petitioners alleged that they have submitted their explanations, the 3rd respondent shall consider and pass appropriate orders within one week from the date of receipt of a copy of this order.

7. With above direction, both the Writ Petitions are disposed of. No order as to costs.

8. Miscellaneous petitions, if any, pending in these writ petitions shall stand closed.

8th February, 2019

CHALLA KODANDA RAM, J

sj