

Rc.No. 2916 /2010-H6

Dated: 24.09.2010

Sub:- Shandies-Guntur District – Chilakaluripet Municipality – Running of the unauthorized Shandy by Sri Mallela Satyanarayana without paying proper tax to Municipality – Orders for closure of the Shandy with notices for payment of due amount with penalty- Consent for payment of principal due amount and withdrawal of W.P. filed in the High Court of A.P., Hyderabad- Report received from the Commissioner, Chilakaluripet Municipality – Further orders- Issued.

- Read:-
- 1) ROC.No.2145/2010-A1, Dated 09.08.2010 of the Commissioner, Chilakaluripet Municipality, Chilakaluripet
 - 2) Rc.No.34/Sandy/2010, Dated 02.08.2010 of the Regional Deputy Director of Marketing, Guntur.
 - 3) This Office Proceedings Rc. No.2916/2010-H6, Dated 13.08.2010
 - 4) Notice ROC No.2145/2010-A1, Dated 13.08.2010 O/o the Municipal Council, Chilakaluripet.
 - 5) Notice ROC No.2145/2010-A1, Dated 16.08.2010 O/o the Municipal Commissioner, Chilakaluripet.
 - 6) W.P.No.22554/2010 filed by Sri Mallela Satyanarayana, Chilakaluripet of the Hon'ble High Court, A.P., Hyderabad Council, Chilakaluripet.
 - 7) Representation of Sri Mallela Satyanarayana, Chilakaluripet, Dt.20.09.2010.
 - 8) This Office Rc.No.2916/2010 H6, dt.22.9.2010 addressed to the Municipal Commissioner, Chilakaluripet.
 - 9) Roc No. 2145/2010-A1, Dated.22.09.2010 of the Commissioner, Chilakaluripet Municipality, Chilakaluripet.
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ORDER:-

On receiving certain reliable information, that a private shandy has been being organized in the jurisdiction of Chilakaluripet Municipality, for the last so many years, without getting proper licence from the local body as per rules, a detailed report on the above shandy has been obtained from the Commissioner, Chilakaluripet in the reference 1st read above.

Basing on the report of the Commissioner of Chilakaluripet Municipality that the concerned person Sri Mallela Satyanarayana who is unauthorizedly running the shandy in the Door No.1-845 in the 1st Ward of Chilakaluripet town and Mandal, it has been found on calculation that the person has evaded totally an amount of Rs.20,58,210/- towards the fee amount payable to the Municipality for the last 22 years (1988 to 2010) on the total sales of animals in the weekly shandies conducted from the month of June, 1988 till 2010 in the ref.1st read and without obtaining any proper licence from the Municipality.

In the above circumstances, orders have been issued from this office in the reference 3rd read above to the Commissioner, Chilakaluripet Municipality for taking immediate steps for closure of the unauthorisedly running private shandy in the Chilakaluripet Municipality at the above Door No. by simultaneously issuing notices for immediate collection of the above principal due amount of Rs.20,58,210/- with two times penalty, from the concerned person. Accordingly, the Commissioner, Chilakaluripet has issued notices for closure of the said shandy and for payment of the above said due amount to the Municipality at once in the references 4th and 5th read above and accordingly it is being closed on 14.08.2010 by the Municipal Commissioner, Chilakaluripet in co-ordination with the Tahsildar, Chilakaluripet.

49 In the ref.6th read above the concerned person, Sri M.Satyanarayana filed a W.P.against the Muncipal Commissioner, Chilakaluripet and the Collector, Guntur in the High Court of A.P., Hyderabad in the above matter.

Further, the above person has come down and submitted a representation in the 7th read above to the Collector, requesting for issue of orders of permission to re-open and run the said shandy in Chilakaluripet town, with kind consideration of his case, as he prepared to make payment of the principal due amount payable to Chilakaluripet Municipality at once, exempting him from payment of the prescribed penalty on the principal due amount; and also given consent to withdraw the W.P. filed by him in the High Court of A.P.

In this regard, the Commissioner, Chilakaluripet Municipality was addressed to take immediate necessary action on the representation of the person and to report accordingly, in the ref.8th read above for issuing further necessary orders at this end.

In this connection, the Commissioner, Chilakaluripet Municipality has reported in the ref.9th read above that the above person Sri Mallela Satyanarayana has made payment of the Principal due amount payable to their Municipality in response to the notice already issued to him, by way of the Demand Draft bearing No.510799, dt.22.9.2010 for Rs.20,58,210/- in favour of the Commissioner, Chilakaluripet Municipality in the ref.5th read above while enclosing a copy of the orders of the High Court in W.P.No.22554/22010, dt.21.9.2010, in which the Hon'ble High Court of A.P., has accorded for withdrawal of the WP filed by the above person.

Keeping in view of all the above circumstances, the Commissioner, Chilakaluripet Municipality is hereby directed to consider the request of Sri M.Satyanarayana in the representation submitted in the ref.7th read above, for issue of permission to re-open the Shandy which is at present under close, by renewing the relevant Municipal licence or by issue of a fresh licence duly observing the usual norms and conditions applicable to any individual in the case, as per the connected Municipal Act and rules in vogue. The Commissioner, Chilakaluripet Municipality is also directed to see that all fees payable by the concerned person, who organizes the shandy shall be paid in regular intervals without any failure and giving no room for further shortcomings/shortfalls in payment henceforth, which may lead to various legal complications and also in avoidance of any further loss to the Government exchequer.

Further the Commissioner, Chilakaluripet Municipality is directed to collect two times penalty within a period of 30 days as per the earlier orders dated 13.8.2010.

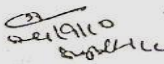
The Commissioner shall report in compliance to the above order at once to this office.

Sd/- B.Ramanjaneyulu,
COLLECTOR & DIST.MAGISTRATE
GUNTUR.

//t.c.f.b.o.//


24.9.10
Administrative Officer

To


The Commissioner, Chilakaluripet Municipality, Chilakaluripet.
Copy to Sri Mallela Satyanarayana, Chilakaluripet.