

PETITIONER:
M/S. ATTABIRA REGULATED MARKET COMMITTEE

Vs.

RESPONDENT:
M/S. GANESH RICE MILLS

DATE OF JUDGMENT: 10/05/1996

BENCH:
RAMASWAMY, K.
BENCH:
RAMASWAMY, K.
G.B. PATTANAIAK (J)

CITATION:
JT 1996 (6) 360 1996 SCALE (5)288

ACT:

HEADNOTE:

JUDGMENT:

WITH
SPECIAL LEAVE PETITION (CIVIL) NO.2092 OF 1992
O R D E R

Leave granted.

We have heard learned counsel for the appellant. Though notice was sent to the respondent on April 14, 1992 till date neither acknowledgement nor unserved envelope has been received. Under these circumstances, the notice must be deemed to have been served on the respondent.

The only question is: whether Saharatikira and Bheden are within the notified market area of the appellant? It is not in dispute that pursuant to the notification issued under sub-section (1) of Section 4 of Orissa Agricultural Produce Market Act, 1956, the Orissa Act 3 of 1963 (for short the 'Act') the State Government declared the notified market area with annexures thereto. Under annexure 'A' to the notification it was stated that the area falling within a radius of 8 kms. from the plots specified in Schedule B are within the notified area. In schedule B it was mentioned that the area comprising in Attabira and Bheden Police Station in the District of Sambalpur are within the notified area. It is now seen that the villages Saharatikira and Bheden are situated within the 8 kms. radius from the aforesaid police stations. Under these circumstances, the villages do fall within the notified area. The respondent admittedly are doing purchase of paddy from the notified area. Consequently, they shall be required to pay market fee under the Act.

The appeal is accordingly allowed and the order of the High Court dated March 21, 1991 in OJC no. 2337/85 stands set aside. no costs.

SLP (C) NO. 2092 OF 1992

The special leave petition is dismissed as withdrawn.