

Attabira Regulated Market Committee

Vs

Ganesh Rice Mills

Civil Appeal No. 9078 of 1996

(K. Ramaswamy, G. B. Pattanaik JJ)

10.05.1996

JUDGMENT

1. Leave granted.
2. We have heard learned counsel for the appellant. Though notice was sent to the respondent on 14-4-1992 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.
3. 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 1957 (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 Stations in the District of Sambalpur are within the notified area, It is now seen that Villages Saharatikira and Bheden are situated within the 8-km 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.
4. The appeal is accordingly allowed and the order of the High Court dated 21-3-1991 in OJC No. 2337 of 1985 stands set aside. No costs.  
SLP (C) No. 2092 of 1992
5. The special leave petition is dismissed as withdrawn.