

A M/S ATTABIRA REGULATED MARKET COMMITTEE
v.
M/S GANESH RICE MILLS

MAY 10, 1996

B [K. RAMASWAMY AND G.B. PATTANAİK, JJ.]

Orissa Agricultural Produce Market Act, 1956 :

C *S.4(1)—Notified market area—Declaration of—Purchase of paddy from notified area—Liability to pay market fee—Held, respondents doing purchase of paddy from the villages falling within the notified area shall be required to pay market fee under the Act.*

CIVIL APPELLATE JURISDICTION : Civil Appeal No. 9078 of 1996.

D From the Judgment and Order dated 21.3.91 of the Orissa High Court in O.J.C. No. 2337 of 1985.

WITH

E Special Leave Petition (C) No. 2092 of 1992.

Sunil K. Jain for the Appellant.

The following Order of the Court was delivered :

F Leave granted.

F 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.

G 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

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the area falling it a radius of 8 kms. from the plots specified in Schedule A
B are within the notified area. In schedule B within 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 B
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. C

SLP (C) No. 2092 of 1992.

The special leave petition is dismissed as withdrawn.

R.P.

Petition dismissed.