

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 859 of 2009

ORDER:

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Heard both sides.

The present writ petition came to be filed seeking issuance of writ of mandamus declaring the Order No. SAS Agents/2008 dated 20.12.2008 at KVR passed by the fifth respondent, as illegal, arbitrary and violative of principles of natural justice.

Learned counsel for the petitioner submits that before passing the impugned order, the fifth respondent has not afforded an opportunity of being heard and therefore the impugned order is in violation of principles of natural justice.

A perusal of the impugned order show that the petitioner has been required to remit back a sum of Rs.7,895/- allegedly received on the investments made in excess of Rs.50,000/-. It is an admitted fact that no prior notice has been issued by the fifth respondent before calling upon the petitioner to remit the above mentioned amount. In my opinion, principles of natural justice require giving of such a notice before passing an order adverse to the petitioner's interest. Therefore, I find merit in the submission of the learned counsel for the petitioner that the impugned order is in violation of principles of natural justice.

For the aforesaid reasons, the impugned order No. SAS Agents/2008 dated 20.12.2008 at KVR passed by the fifth respondent, is hereby set-aside. Accordingly, the writ petition is allowed. No order as to costs.

Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

05.10.2015

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