

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

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**WRIT PETITION Nos.1908, 1916, 1979, 1990, 2399, 3924, 4102,
4103, 4104, 4105, 4376, 4398 and 4654 of 2014**

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W.P.No.1908 of 2014

Between:

M/s.Soumya Engineering Works rep. by its
proprietor. .. Petitioner

And

The Government of Andhra Pradesh,
Rep. by its Principal Secretary, Industries, Secretariat, Hyderabad and
others.

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 20-07-2015

SUBMITTED FOR APPROVAL:

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

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|---|--------|
| 1. Whether Reporters of Local newspapers
may be allowed to see the Judgment? | Yes/No |
| 2. Whether the copies of judgment may be
marked to Law Reporters/Journals | Yes/No |
| 3. Whether Their Lordship wish to
see the fair copy of the Judgment? | Yes/No |

HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

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**WRIT PETITION Nos.1908, 1916, 1979, 1990, 2399, 3924, 4102,
4103, 4104, 4105, 4376, 4398 and 4654 of 2014**

COMMON ORDER:

These batch of Writ Petitions are being disposed of by a common order as they arise of same cause of action.

Heard the learned counsel for the petitioners and Sri P.Roy Reddy, Learned Standing Counsel for the Andhra Pradesh Industrial Infrastructure Corporation (APIIC).

The petitioners are allottees of industrial plots on provisional basis in Industrial Park, Aganampudi, Visakhapatnam, pursuant to their applications. When the allotments were cancelled on various grounds, all these writ petitioners approached this Court in W.P.No.9981 of 2012 and batch. This Court, by order dated 05.11.2012, allowed the Writ Petitions holding as follows:

“In my opinion, with the provisional allotments made in favour of the petitioners, a right came to be vested in them, which cannot be taken away without giving them an opportunity of being heard. Audi alteram partem being the basic requirement of the principles of natural justice, the impugned proceedings, which were issued, admittedly, without a prior notice to the petitioners, cannot be sustained in law. Accordingly, without adjudicating on the correctness or otherwise of the reasons on which the provisional allotment of industrial plots in favour of the petitioners has been cancelled, the impugned proceedings are set aside only on the ground of violation of principles of natural justice. The respondents are permitted to issue fresh showcause notices to the petitioners within one month from the date of receipt of this order. Within two weeks from the date of receipt of the show cause notices, the petitioners shall file their objections thereto. The respondents shall, thereupon, give individual notices to the petitioners, hold an enquiry and pass a detailed order on such showcause notices.”

Thereafter, show cause notices were issued and the petitioners submitted their explanation. After narrating the sequence of events, an order was passed on 18.01.2014 and 28.01.2014 reiterating the order of cancellation passed earlier by holding as follows:

“You have vide letter dated 01.01.2013 cited 5 above submitted your

explanation. The issue has been examined in detail along with your explanation and documents on record. The explanation submitted is not found satisfactory and it has been decided to cancel the allotment of plot allotted to you and the same is hereby cancelled. The plots will be placed on online vacancy and the allotments will be made as per APIIC Allotment Regulations, 2012 and you may apply for the same if you desire.”

The above Writ Petitions are filed challenging the orders of cancellation.

Though it is contended by the learned counsel for the petitioners that, in respect of Aganampudi layout, individual arbitrary action was taken for cancellation of allotment while retaining allotment in respect of some others, Sri P.Roy Reddy, Learned Standing Counsel for the APIIC, submits that action was taken in respect of all allotments made and no arbitrariness is involved. In the absence of any opposition, this ground is not available to the petitioners. This aspect need not be examined further.

This Court, in the earlier round of litigation, clearly directed the respondents to give individual notices to the petitioners, hold an enquiry and pass a detailed order on such show cause notices. To the extent of issuing show cause notices and obtaining a reply from the petitioners, the order was complied with. But, with regard to conduct of enquiry, the order does not reflect. However, Sri P.Roy Reddy, Learned Standing Counsel for the APIIC, submits that the records reveal conduct of an enquiry by the respondents pursuant to the explanation submitted by the petitioners. In the absence of recording any reasons in the impugned orders, this Court is not able to appreciate or consider the reasons for cancellation. Recording of reasons is one of the important aspect resulting from an enquiry. Since the same is absent, this Court is constrained to set aside the impugned orders of cancellation and

remand the cases to the Zonal Manager, Industrial Estate, APIIC, Visakhapatnam, for considering the cases afresh, hear the petitioners, and pass a reasoned order, within a period of three months from the date of receipt of a copy of this order.

Writ Petitions are allowed to the extent indicated above.

As a sequel thereto, miscellaneous applications, if any, also stand disposed of. No order as to costs.

A. RAMALINGESWARA RAO,J

Date:20.07.2015

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