

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.36704 of 2015

ORDER:

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This writ petition was filed assailing the letter dated 18.06.2015 of the Government of Andhra Pradesh speaking through the Special Chief Secretary to the Government, Environment, Forests, Science and Technology (Section.II) Department. This letter purports to have been issued in pursuance to the order dated 17.03.2015 passed by the Supreme Court in Civil Appeal No.3040 of 2015. Perusal of the said order reflects that the Supreme Court specifically required the State to pass a reasoned order in the matter. The observations of the Supreme Court in this regard are extracted hereunder:

“8.....There is no consideration of the contentions raised by the appellant. Had there been an opportunity for hearing to the appellant, the Government could have passed a more reasoned order. Compliance with the principles of natural justice is not an empty formality. When a report is made a reference to the order, the consideration thereof must be reflected in the order. Since it took a long period of around fourteen years to consider the matter, an opportunity for hearing should have been granted. We do not think it necessary to send the matter back to the High Court since in any case it requires fresh consideration by the Government. The impugned judgment dated 03.02.2012 and order dated 30.05.2005 are hence set aside. The matter is remanded to the Government. An officer not below the rank of the Secretary to the Government shall consider the representation dated 16.08.1991 afresh after affording an opportunity of hearing to the appellant and pass a reasoned order.”

Despite the clear mandate of the Supreme Court as set out supra, the State completely ignored the same and issued the cryptic impugned letter, wherein it is stated as under:

“I am directed to invite your attention to the references cited and to inform that as per the directions of the Hon'ble Supreme Court of India, Dated 17-3-2015 in Civil Appeal No.3040 of 2015 @ SLP (C)

No.25185 of 2012 and as represented in the reference 6th cited, the Government have conducted personal hearing on 15-6-2015 at 3.30 P.M. for the waiver of the minimum royalty of Rs.2,35,35,232/- (Rupees Two Crores Thirty Five Lakhs Thirty Five Thousand Two Hundred and Thirty Two Only) raised by the Divisional Forest Officer, Bamboo Weightment Division, Rajahmundry for the lease year 1988-89. Government hereby reiterates its decision after careful examination of the representation received from you to collect the minimum royalty amount of Rs.2,35,35,232/- (Rupees Two Crores Thirty Five Lakhs Thirty Five Thousand Two Hundred and Thirty Two Only) from your organization i.e., A.P. Paper Mills Limited, Rajahmundry due for the working season 1988-89.

2. You are therefore directed to arrange to pay the minimum royalty of Rs.2,35,35,232/- (Rupees Two Crores Thirty Five Lakhs Thirty Five Thousand Two Hundred and Thirty Two Only) which were due to Government for the lease year 1988-89 immediately without any further delay.”

No reasons whatsoever are forthcoming from the afore-stated extract and no reference was also made to the report of the Principal Chief Conservator of Forests, Andhra Pradesh. This Court therefore has no hesitation in holding that the impugned letter does not even attempt to pay lip service to comply with the directions of the Supreme Court apart from being in utter violation of the principles of natural justice.

The impugned letter dated 18.06.2015 is accordingly set aside and the matter is remitted to the first respondent for consideration afresh in terms of the order of the Supreme Court. Pending this exercise, no coercive action shall be taken against the petitioner.

The writ petition is allowed. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE SANJAY KUMAR

16th November, 2015

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