

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA PRADESH
(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF APRIL

TWO THOUSAND AND FIFTEEN

PRESENT

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION Nos.9306 and 9714 of 2015

WP.No.9306 of 2015:

BETWEEN

K. Purushotham Reddy.

... PETITIONER

AND

State of Andhra Pradesh, Rep. by its Principal Secretary, Industries & Commerce (Mines)
Department, A.P. Secretariat, Hyderabad and others.

...RESPONDENTS

WP.No.9306 of 2015:

BETWEEN

L. Dastagiri Reddy.

... PETITIONER

AND

State of Andhra Pradesh, Rep. by its Principal Secretary, Industries & Commerce (Mines)
Department, A.P. Secretariat, Hyderabad and others.

Counsel for the Petitioners: SMT.K. UDAYA SRI

Counsel for the Respondents: GP FOR INDUSTRIES & COMMERCE

GP FOR MINES & GEOLOGY

The Court made the following:

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COMMON ORDER:

Heard Mr. G. Vidyasagar, learned senior counsel for the petitioners and learned Government Pleader for Industries and Commerce.

2. The issue that arises for consideration in these writ petitions lies in a narrow compass. The bare facts, necessary, are as follows.

3. Questioning the separate demand notices dated 26.12.2014, petitioners, in each of these writ petitions, filed revision petitions before the Government and pending revisions, there was stay granted in favour of the petitioners. The petitioners were served with impugned memos of the Government dated 10.03.2015/11.03.2015 respectively communicating that since the revisions were called for hearing on 27.02.2015 and as the revision petitioners did not attend the hearing, the revisional authority adjourned the case duly vacating the stay orders granted on 13.02.2015 in each of the revisions.

4. The aforesaid memos are questioned in these writ petitions, *inter alia*, on the ground that the petitioners were never served with the notice of date of hearing fixed on 27.02.2015 by the Government.

5. In support of the said contention, the petitioners have enclosed, along with the writ petitions, copy of the registered cover under which the said notice was sent to show that it was dispatched on 27.02.2015 at 12.58 PM and was received by the petitioners much later after the date of hearing on 27.02.2015. In order to ascertain the correctness of the said contention, the writ petitions were adjourned on 07.04.2015 to enable the learned Government Pleader to get instructions.

6. Learned Government Pleader now fairly states, on instructions, that on account of lapse on the part of the office of the first respondent, the notices of date of hearing appears to have not been sent to the petitioners in time and well before the date of hearing.

7. Consequently, vacation of stay orders, pending revisions, on the said ground of non-attending the hearing on 27.02.2015, as stated in the impugned memos in each of these writ petitions, cannot be sustained. Both the impugned memos are accordingly set aside. The stay, which was operating pending the revisions, shall continue to operate.

8. One more aspect needs to be dealt with, as the learned Government Pleader has also received instructions that the next date of hearing was fixed on 02.04.2015 to hear and decide the revisions and the said hearing was attended to by the petitioners, as is evident from the acknowledgment produced in the attendance sheet.

9. Learned senior counsel for the petitioners states that the petitioners may have attended but the hearing of the revisions is yet to take place and it is not correct to state that the revisions were already heard, as is instructed to the learned Government Pleader.

10. Since this aspect is mentioned by the learned Government Pleader across the bench, which is not supported by an appropriate affidavit, it cannot be taken into consideration. It may be that there was a hearing on 02.04.2015 and petitioners may have attended the same; however, it is different from contending that the revision petitions were heard and hearing was concluded. Since the revisional power is required to be exercised after hearing

the petitioners,

it is necessary for the first respondent to fix a fresh date of hearing, that be communicated to the petitioners and thereafter, take up and decide the revision petitions in accordance with law.

The writ petitions are disposed of. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

April 9, 2015

Note: Furnish C.C. of the order by 10.04.2015.

(B/o)DSK