

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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WRIT PETITION No.8082 of 2016

ORDER:

The prayer of the petitioner in this case is as under:

“For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon'ble Court may be pleased to issue such appropriate writ, order or direction to the respondents, more so particularly one in the nature of Mandamus, declaring the Show-cause Notice No. 1685/Q/2011, dated 7.10.2015 and the consequential Demand Notice dated 31.1.2016 issued by the second respondent, as not only vague, without reasons, arbitrary and illegal, but also without authority of law and consequently set aside the same and pass such other order as the Hon'ble Court may deem just in the circumstances of the case.”

Perusal of the impugned demand notice reflects that the Assistant Director of Mines and Geology baldly rejected the reply submitted by the petitioner to the show cause notice dated 07.10.2015. The relevant part of the order reads as under:

“On perusal of the reply of M/s. Sapthagiri Stone Crushers entire documentary evidence available in the file, it is opined that the reply submitted by the M/s. Sapthagiri Stone Crusher is not convincing and not satisfactory by the undersigned...”

This Court has time and again stressed upon the necessity and importance of recording of reasons by the authorities when their orders visit adverse civil consequences. In the present case, the Assistant Director of Mines and Geology not only directed payment of the normal seigniorage fee but also five times penalty thereon. That being so, the Assistant Director ought to have explained as to why the reply submitted by the petitioner was not convincing and satisfactory.

On this short ground, the impugned show cause notice is set aside and the matter is remitted to the file of Assistant Director of Mines and Geology, Visakhapatnam, for consideration of the matter afresh duly taking into account the reply dated 29.10.2015 of the petitioner as well as the survey report submitted by the Surveyors to the office of the

Assistant Directors of Mines and Geology, Visakhapatnam and Anakapalli.

The writ petition is accordingly allowed to the extent indicated above.

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

JUSTICE SANJAY KUMAR

Date:14.03.2016

GJ