

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No. 3339 of 2016

ORDER:

The petitioner is aggrieved by the order passed by the Revisionary Authority, the Government of Andhra Pradesh, embodied in the Memo dated 06.11.2015 whereby the petitioner was directed to pay a onetime penalty instead of the ten time penalty imposed under the demand notice dated 27.01.2012 issued by the Assistant Director of Mines and Geology, Yerraguntla. The petitioner is aggrieved by the imposition of the onetime penalty and also the finding that he had indulged in illegal excavation and transportation of the mineral. Perusal of the impugned Memo dated 06.11.2015 reflects that the Revisionary Authority confirmed the finding of the Assistant Director of Mines and Geology, Yerraguntla, that the sand was excavated and transported illegally from outside the leased area. Having confirmed this finding of the Primary Authority, the Revisionary Authority surprisingly decided to reduce the penalty from ten times to one time. No reason whatsoever is forthcoming from the order as to why such reduction was effected if the revisionary authority was at consensus with the finding recorded by the Primary Authority. That apart, except for referring to the contention of the Assistant Director of Mines and Geology, Yerraguntla, the Revisionary Authority did not deal with the contentions raised by the petitioner in its revision or give any independent reasoning to sustain the finding.

2. This Court has time and again stressed upon the necessity for statutory authorities to record reasons in their orders while discharging quasi judicial powers which had civil consequences. Despite the same, revisionary authorities continue to pass terse and cryptic orders, as in the present case. On this short ground, the impugned Memo

dated 06.11.2015 is set aside and the revision is restored to the file of the Government of Andhra Pradesh for consideration afresh in accordance with law. The petitioner shall be given another opportunity of hearing to put forth its case and thereupon, the Revisionary Authority shall pass a detailed reasoned order disposing of the revision in accordance with law. This exercise shall be completed expeditiously and pending such exercise the demand notice, which is the subject matter of the revision, shall not be given effect to.

The Writ Petition is allowed to the extent indicated above. Pending miscellaneous petitions, if any, shall also stand closed in the light of this final order. No order as to costs.

JUSTICE SANJAY KUMAR

February 5, 2016

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