

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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WRIT PETITION No.43138 of 2015

ORDER:

The petitioner is aggrieved by the demand notice dated 10.06.2015 issued by the Assistant Director of Mines and Geology(Vig), Andhra Pradesh, Rajahmundry.

Perusal of the impugned demand notice reflects that though reference is made therein to the explanations submitted by the petitioner and two others, there is no consideration of the same. The Assistant Director baldly stated that the explanations submitted by the petitioner and two others were not satisfactory under the framework of the Andhra Pradesh Minor Mineral Concession Rules, 1966.

This Court has time and again stressed upon the necessity of statutory authorities recording reasons in their orders when the same have adverse civil consequences. Furnishing of reasons has also been held to be inbuilt in the principles of natural justice. Despite this settled legal position, statutory authorities continue to disregard the duty cast upon them of recording reasons and pass terse orders, as in the present case. When the impugned demand notice required payment of a sum in excess of Rs.1,44,00,000/-, it was incumbent upon the Assistant Director to spare time and effort to record as to why the explanations submitted by the petitioner and the other two persons were not satisfactory.

On this short ground, the impugned demand notice is set aside. This order shall however not preclude the mining authorities from initiating action afresh in accordance with law and the principles of natural justice, if warranted.

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.

SANJAY KUMAR, J

Date:04.01.2016

GJ