

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

**TUESDAY, THE SIXTH DAY OF SEPTEMBER,
TWO THOUSAND AND SIXTEEN**

**Present
HON'BLE SRI JUSTICE P.NAVEEN RAO**

Writ Petition No.23927 of 2016

Between:

GSG Constructions Pvt Ltd., having its office at G.S.Plaza, Plot No.4-8-672, Road No.1, Banjara Hills, Hyderabad-34, rep. by its Director, Mr. Ashok Kumar Agarwal and another.

.. Petitioners

AND

The State of Telangana, rep. by its Principal Secretary, Youth Advancement, Tourism and Culture (PMU) Department, Secretariat Buildings, Hyderabad.

.. Respondent

The Court made the following:

THE HONOURABLE SRI JUSTICE P. NAVEEN RAO**W.P.No.23927 of 2016****ORDER**

This writ petition is filed challenging the show cause notice in Lr.No.111981/PMU/EO/2005 dated 28.06.2016.

2. Heard learned senior counsel for petitioners and learned Special Government Pleader for respondent-Government.

3. Learned senior counsel for petitioners made extensive submissions. In addition to several other contentions urged, the principal contention against the show cause notice is that, contrary to their decision as reflected in paragraph No.287 of note file, the notice impugned is issued. It is ex facie illegal and amounts to a clear case of non-application of mind and vindictive attitude of respondent.

4. With reference to the said contention, it is appropriate to extract paragraph No.287 of note file, which reads as under:

“Submitted for perusal and orders whether to call the developer for renegotiations

OR

To circulate the file to the chief Secretary as per the circular orders vide No.102/CSP/2014, dated 26.09.2014 for review of the decision taken in the month of March, 2014.”

5. On this issue, learned Special Government Pleader, representing the respondent-Government, fairly submits that though there is a clear observation made in paragraph No.287 of note file and the course to be adopted and in paragraph No.294 of note file, the Chief Secretary made an endorsement ‘discuss’, no further progress was made prior to the impugned show cause notice.

6. It thus appears, even before the decision was taken on further course as mentioned in the note file, the show cause notice was issued. A reading of the notice impugned would clearly disclose that there was no reference of what is recorded in paragraph No.287 of note file. It shows non application of mind.

7. Thus, the impugned notice is liable to be set aside on this ground and is accordingly set aside, leaving it open to the respondent-Government to take appropriate action as warranted by law. It is made clear that the show cause notice is set aside only on the ground that the respondent did not take any decision as recorded in the note file before issuing the show cause notice and all other contentions are left open to be agitated in appropriate proceedings.

8. The Writ Petition is accordingly allowed. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

6th September, 2016
sj

P. NAVEEN RAO, J