

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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WRIT PETITION No.36809 of 2015

ORDER:

This writ petition was initially filed questioning the show cause notice dated 05.10.2015 issued by the State of Andhra Pradesh through its Industries and Commerce Department.

However, taking note of the fact that the petitioner had already submitted his explanation to the impugned show cause notice on 27.10.2015, this Court, by its order dated 13.11.2015, directed the authority concerned to consider the petitioner's explanation in accordance with law and take appropriate action in the matter. Thereafter, the petitioner sought amendment of the prayer in the writ petition on the ground that the Government of Andhra Pradesh had cancelled his mining lease under G.O.Ms.No.116, Industries and Commerce (M-II) Department, dated 28.11.2015 and subjected the said G.O. to challenge. This amendment petition was allowed on 12.02.2016.

Perusal of the impugned G.O. reflects that the Director of Mines and Geology, Andhra Pradesh, Hyderabad, who examined the explanation submitted by the petitioner to the show cause notice dated 05.10.2015 opined that there was no need to consider the same and recommended cancellation of the mining lease. It was upon this recommendation that the Government decided to cancel the mining lease held by the petitioner and accordingly ordered so.

However, this Court is at a loss to understand as to how the mining authorities could baldly conclude that an explanation submitted in response to a show cause notice need not be considered. This would mean that issuance of a show cause notice calling for an explanation is reduced to a mere formality. When the addressee of such a show cause notice puts forth his stand by way of an explanation, the authorities concerned are expected to examine the same on merits and take a reasoned decision thereafter.

In the present case, the impugned G.O. demonstrates that the petitioner's explanation was not even considered. On this short ground, the impugned G.O. is set aside and the matter is remitted to the file of the authority concerned for

consideration afresh, duly taking into account the explanation dated 27.10.2015 submitted by the petitioner to the show cause notice dated 05.10.2015. In the event the petitioner seeks a personal hearing, the authority shall also take the said request into account and take appropriate action thereon.

The writ petition is 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:01.03.2016

GJ