

HON'BLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION No. 3813 OF 2017

ORDER:

Heard learned counsel for the petitioner, learned Government Pleader for respondent Nos.1 and 3, Sri D. Ramesh for respondent Nos.2 and 5 and Sri Ravi Chimalapati for respondent No.4.

This writ petition is filed challenging the order, dated 25.01.2017, passed by the 5th respondent – Zonal Deputy Director, A.P. Capital Region Development Authority, Vijayawada, under Section 115(3) of the A.P. Capital Region Development Authority Act, 2014 (for short, “the Act”).

Learned counsel for the petitioner mainly raised two contentions. Firstly, he submits that the order under challenge passed by the 5th respondent is totally one without jurisdiction and as per the provisions of Section 115(3) of the Act, the Commissioner of CRDA is only the authority competent to pass any orders under Section 115 of the Act and not the 5th respondent. The second submission is that since the order under challenge is completely bereft of any reasons, the same is liable to be set aside.

While answering ground No.1 as regards jurisdiction, learned Standing counsel for the respondents submits that a notification was issued by the State Government vide G.O.Ms.No.62, dated 27.03.2015, delegating the powers to the 5th respondent and as such it cannot be contended that the 5th respondent has no jurisdiction to pass the order under challenge. He further submits that since the respondents issued show cause notice, invited explanation and considered the same, the petitioner is not entitled for any relief from this Court on the ground of violation of principles of natural justice.

A perusal of the order under challenge vividly discloses that except saying that the explanation offered by the petitioner is not in accordance with law, the 5th respondent did not advert to any one of the averments of the said explanation. This Court finds sufficient force in the submission of the learned counsel for the petitioner that as the impugned order is appealable, the respondents ought to have assigned the reasons for arriving at the conclusion. On this ground alone, this Court is of the opinion that the present issue warrants reconsideration by the respondents.

For the aforesaid reasons, the writ petition is allowed setting aside the impugned order, dated 25.01.2017, and the matter is remanded to the respondents for fresh consideration in accordance with law. It is open for the petitioner to raise the ground of jurisdiction also before the respondents at the time of consideration of his explanation.

Miscellaneous petitions, if any, shall stand closed. No order as to costs.

Date: 03.02.2017
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A.V. SESA SAI, J