

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION No.27423 of 2017

ORDER:

Heard Smt.N.Shoba, learned counsel for the petitioner, learned Government Pleader for Mines and Geology (A.P) for respondent Nos.1, 3 to 5, Sri S.Laxmi Narayana Reddy, learned Standing Counsel for respondent No.2 and learned Government Pleader for Revenue (A.P) for respondent No.6.

2. The second respondent-Municipal Corporation, vide letter bearing No.99/2012-13/EE-II(WS-M)/GVMC, dated 15.03.2013, granted permission in favour of the petitioner herein for movement of tipper vehicles for carrying quarry material subject to certain conditions. Now, by way of the order under challenge dated 25.07.2017, the second respondent cancelled the above said proceedings dated 15.03.2013.

3. The principal contention advanced by the learned counsel for the petitioner is that the second respondent issued the order under challenge without being preceded by any notice and opportunity to the petitioner herein. It is a settled and established principle of law that any action, which has civil consequence, must necessarily be preceded by a notice to the persons likely to be affected by such action. In the present case, the said principle is followed in breach. The impugned order also does not indicate issuance of such notice to the petitioner before issuing impugned order. Therefore, the impugned order is liable to be set aside.

4. Accordingly, the writ petition is allowed, setting aside the order of the second respondent dated 25.07.2017. However, it is open for

the second respondent to issue a show cause notice to the petitioner and proceed further in accordance with law. Miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

Date: 17.08.2017
TJMR

A.V. SESA SAI, J

