

HONB'E SRI JUSTICE CHALLA KODANDARAM

WRIT PETITION No.14672 OF 2017

ORDER:

The writ petition is filed challenging the action of the 3rd respondent in issuing notice dated 12.04.2017, without giving opportunity of personal hearing and without considering the explanation submitted by the petitioner.

It is the contention of the learned counsel for the petitioner that the petitioner sought personal hearing and a notice of hearing was given on 30.03.2017. However, on that day, the concerned Deputy Commissioner was not available, though the petitioner was present at 3.00 p.m, and no personal hearing which was given to the petitioner did not take place. Thereafter, the petitioner himself had addressed a letter dated 06.04.2017 to the respondent authorities setting out the same and such letter was given in the inward.

Learned standing counsel for the respondent corporation having taken time on 24.04.2017, has no instructions to report as of now.

In those circumstances and the grievance of the petitioner is being violation of principles of natural justice, though there is no requirement in the statute as such to hear the petitioner and inasmuch as the respondent authorities have already offered to hear the petitioner by issuing notice on 30.03.2017 by fixing the date of hearing as 4.4.2017, the impugned order dated 12.04.2017 which had not adverted these aspects is set aside with a further direction to the respondent authorities to provide the opportunity

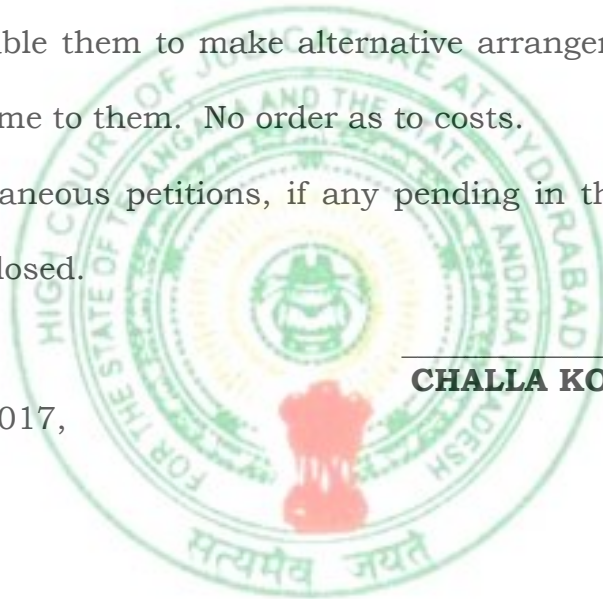
of hearing to the petitioner and complete the exercise of passing of final orders within a period of four weeks.

Accordingly, the writ petition is allowed setting aside the notice dated 12.04.2017, issued by the 3rd respondent with a direction to the respondent authorities to provide the opportunity of hearing to the petitioner and complete the exercise of passing of final orders within a period of four weeks from the date of receipt of copy of the order. However, it is made clear that if the establishment of a bank is not permissible as per the guidelines, the respondent authorities shall also put the concerned bank on notice to enable them to make alternative arrangements by giving reasonable time to them. No order as to costs.

Miscellaneous petitions, if any pending in this writ petition shall stand closed.

Date:26.04.2017,
Gk

CHALLA KODANDA RAM,J



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Gk.

