

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

WRIT PETITION No.10119 of 2017

ORDER:

This Writ Petition filed under Article 226 of the Constitution of India challenges the order, dated 13.03.2017, passed by the District Collector/Chairman, District Level Committee for Fresh Water Aqua Culture, Krishna District, 2nd respondent herein, cancelling the provisional permission granted in favour of the petitioner for aqua culture on 27.02.2017.

Heard the learned counsel for the petitioner and the learned Government Pleader for the respondents.

The principal contention advanced in the present writ petition is that the impugned action on the part of the respondent authorities is illegal, arbitrary and in violation of principles of natural justice.

It is submitted by the learned counsel for the petitioner that before resorting to the impugned action, the 3rd respondent did not issue any show cause notice nor afforded any opportunity of hearing to the petitioner.

Today, when the matter is called, notice, dated 24.03.2017, issued by the 3rd respondent is placed on record, wherein the petitioner was informed that the provisional permission granted in his favour was cancelled. The material available on record clearly discloses that the respondents did not issue notice to the petitioner while passing the impugned order cancelling the provisional permission.

It is well settled and established law that any action on the part of the authorities, which has civil consequences, is required to be preceded by notice and opportunity of hearing to the persons affected by such action. In the instant case, the same has not been followed. Therefore, on the ground of violation of principles of natural justice, the writ petition is liable to be allowed.

Accordingly, the writ petition is allowed setting side the impugned order, dated 13.03.2017, passed by the 3rd respondent. However, this order will not

preclude the respondents from proceeding in accordance with law, after giving notice and opportunity of hearing to the petitioner.

Miscellaneous petitions, if any pending, shall also stand closed. There shall be no order as to costs.

Date: 27.03.2017
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A.V.SESHA SAI, J

