

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

WRIT PETITION No.40363 of 2017

ORDER:

This writ petition is filed seeking verbatim the following reliefs/s:

‘... to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus, declaring action of the 3rd respondent in issuing impugned proceedings in Roc.No.365/2015/G1, dated 03.11.2017 cancelling the license of the petitioner as Municipal Licensed Structural Engineer (Surveyor) and black listing him at the request/direction of the 2nd respondent, as illegal, arbitrary, unjust and violative of principles of natural justice and also violative of Art.14 of the Constitution of India and consequently set aside the proceedings in Roc.No.365/2015/G1, dated 03.11.2017 issued by the 3rd respondent and pass such other order or orders..’

The submissions and grievance of the writ petitioner are as follows:

The petitioner was served with a show cause notice, dated 06.09.2017, issued by the 3rd respondent. To the said show cause notice, the petitioner submitted his explanation, dated 16.09.2017. While the petitioner's afore-said explanation is pending consideration before the 3rd respondent, the impugned proceeding was issued whereby the license of the petitioner as a Licensed Surveyor is cancelled and he was black listed for submitting plans. In the impugned proceeding, it is *inter alia*, stated as follows: ‘The Regional Deputy Director of Town Planning, Ananthapuramu, during his inspection of Kadiri Municipality, on 17.11.2016, has requested to cancel the license of the petitioner and requested to black list him for submitting plans without proper knowledge of Government Order No.168 MA & UD Department, dated 07.04.2012 and basic knowledge NBC in B.A.No.48/2016/G1, dt.20.02.2016 applied by Sri B. Ramasubba Reddy, S/o.late B. Chinnappa Reddy and B.A.No.53/2015/G1, dt.14.03.2016 applied by Sri R.Ashraj Ali, S/o.late R. Hussain Sab; in view of the above recommendations and as per the powers conferred in APM Act, 1965, the licence of Sri K. Vijaya Bhaskar, Licensed Surveyor is cancelled and blacklisted with immediate effect’. Black listing is an

order with serious consequences. The said black listing was done even without giving notice to the petitioner and without considering his earlier explanation to the show cause notice. Therefore, the impugned order is unsustainable.'

Learned standing counsel appearing for the 3rd respondent Municipality would submit that in the facts and circumstances of the case, the impugned order may be suspended and a direction may be given to the 3rd respondent to consider the explanation of the petitioner and pass appropriate orders in accordance with law.

Learned counsel for the petitioner endorses the said submission.

Having regard to the facts and submissions, the Writ Petition is disposed of; and, while setting aside the impugned proceedings, dated 03.11.2017, the 3rd respondent is directed to consider and dispose of the explanation, dated 16.09.2017, of the petitioner within two (02) weeks from the date of receipt of a copy of this order, however, in strict accordance with the procedure established by law and after affording an opportunity of personal hearing to the petitioner and communicate the decision taken thereon to the petitioner within a week thereafter. Till such exercise is completed, the petitioner shall not undertake any work pursuant to the subject license. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

M.SEETHARAMA MURTI, J

06.12.2017

Vjl