

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

WRIT PETITION No.11658 of 2018

O R D E R:

Heard counsel for petitioner, the Government Pleader for Municipal Administration appearing for 1st respondent and Sri V.Satyam Reddy, Standing Counsel for 2nd respondent.

2. Petitioner assails the order dt.07.02.2018 of the 2nd respondent rejecting petitioner's building permission application made on 23.08.2017, after a spot inspection conducted on 07.09.2017, stating as under:

"In view of the constraints the proposal cannot be considered, hence the proposal is hereby rejected."

3. Since this reason assigned by the 2nd respondent does not make any sense and since it is cryptic, petitioner has approached this Court.

4. The Standing Counsel for 2nd respondent has produced before me an order dt.13.04.2018 passed by the 2nd respondent giving more elaborate reasons and seeks to sustain the earlier rejection order dt.07.02.2018 on the basis of this later order.

5. *Prima facie*, the order dt.07.02.2018 being cryptic and containing no reasons, cannot be sustained, since it is basic principle of natural justice that any order which visits civil

consequences on any citizen has to be supported by reasons.

(See **S.N.Mukherjee v. Union of India**¹).

6. The said order dt.07.02.2018 cannot also be sustained by a subsequent order passed giving more elaborate reasons, since it is settled legal position in **Commissioner of Police v. Gordhandas Bhanji**² and **Mohinder Singh Gill and another v. the Chief Election Commissioner, New Delhi and others**³ that an order has to be sustained on its contents and cannot be sustained by a fresh reasons given subsequently. Therefore, the subsequent proceeding dt.13.04.2018 issued by the 2nd respondent is also unsustainable.

7. In this view of the matter, the Writ Petition is allowed; the order dt.07.02.2018 passed by the 2nd respondent as well as the subsequent order dt.13.04.2018 passed by the 2nd respondent, are both set aside; and the matter is remitted back to the 2nd respondent to reconsider the issue, after giving notice to the petitioner and then pass a reasoned order in accordance with law and communicate it to the petitioner, within a period of four (04) weeks from the date of receipt of a copy of this order. No order as to costs.

¹ AIR 1990 SC 1984

² AIR 1952 SC 16

³ AIR 1978 SC 851

8. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

M.S.RAMACHANDRA RAO, J

16th April, 2018.
gra

