

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

WRIT PETITION No.11852 OF 2018

ORDER:

The petitioner has filed this Writ Petition assailing the proceedings dated 20.03.2018, cancelling allotment of plot made to the petitioner for setting up of Industrial unit on lease basis.

2. A show-cause notice dated 28.12.2017, had been issued to the petitioner by the 2nd respondent alleging that the petitioner company did not implement the project within two (2) years period prescribed in the agreement.

3. The petitioner replied to the same stating that there were no infrastructure facilities established by the 2nd respondent, because of which the project was not implemented by the petitioner.

4. Thereafter, the 2nd respondent passed the impugned order, merely stating that the petitioner's reply had been examined and not considered. In the said order, the 2nd respondent had not adverted to the contention of the petitioner as to why the petitioner company did not commence the project in the plot allotted to it. It is also not stated by the 2nd respondent that the infrastructure facilities exist in the neighbourhood and that the petitioner's plea about lack of infrastructure facilities is factually incorrect. There is also no reference in the impugned order to what infrastructure facilities exist in the neighbourhood. It is clear that the impugned order suffers from vice of non-application of mind and it is *prima facie* arbitrary and violative of Articles 14 and 300-A of the Constitution of India.

5. Accordingly, the Writ Petition is allowed setting aside the impugned order dated 20.03.2018 passed by the 3rd respondent; and the matter is remanded back to the 3rd respondent to pass a fresh order giving valid reasons and communicate the same to the petitioner. Till such fresh order is passed, the possession of the petitioner over the subject plot shall not be disturbed.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

M.S.RAMACHANDRA RAO, J

APRIL 12, 2018
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Date:12.04.2018