

THE HONOURABLE SRI JUSTICE A.V.SESHA SAI

Writ Petition No.18360 of 2018

ORDER:

Heard Sri G.Vidyasagar, learned Senior Counsel representing Smt.K.Udaya Sri, learned Counsel appearing for the petitioner, and learned Government Pleader for Revenue and the learned Government Pleader for Mines and Geology.

A notice bearing Rc.A.233 2018, dated 18.05.2018, withdrawing the No Objection Certificate granted in favour of the petitioner earlier by the revenue authorities, issued by the Tahasildar, Banaganapalli Mandal, Kurnool District/3rd respondent herein is under challenge in the present Writ Petition.

Earlier, by way of proceedings, dated 21.01.2017, on the request made by the Assistant Director of Mines and Geology, Banaganapalli, the Tahasildar issued *no objection* for grant of quarry lease in respect of the area admeasuring Ac.5.84 cents for extracting Lime-stone (Black) for a period of three years. Now by virtue of the notice under challenge, dated 18.05.2018, the Tahasildar passed an order withdrawing the No Objection Certificate issued earlier on 21.01.2017.

The contention advanced by the learned senior Counsel is that the 3rd respondent issued the impugned notice without being preceded by any show cause notices. It is categorically stated at paragraph No.12 of the affidavit filed in support of the Writ Petition that before issuing the impugned notice, dated 18.05.2018, the 3rd respondent/Tahasildar did not seek for any explanation from the petitioner.

In the considered opinion of this Court, the said action on the part of the 3rd respondent/Tahasildar in withdrawing the No Objection Certificates issued earlier is in violation of principles of natural justice. It is a settled and well-established principles of law that any action which has civil consequence must necessarily be preceded by an opportunity of being heard to the persons likely to be affected by such action. In the instant case, the same is followed in breach. On the said ground alone, the Writ Petition is liable to be allowed.

In the result, the Writ Petition is allowed, setting aside the notice dated 18.05.2018. However, it is open for the respondents herein to issue show cause notice to the petitioner herein if they are so advised, asking for explanation and to proceed in accordance with law.

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

JUSTICE A.V.SESHA SAI

Date: 13.06.2018
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