

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

WRIT PETITION No.23051 of 2018

ORDER:

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

2. According to the petitioner, the Government granted mining lease for lime-stone in favour of the petitioner for a period of twenty years and the application for renewal of the said mining lease is pending consideration before the Government. Obviously, basing on a complaint made by the 4th respondent herein, the respondent-authorities initiated action and issued the impugned notice bearing No.333/M/2004, dated 15.03.2018, styling it as a show-cause notice, directing to remit a sum of rs.1,17,63,252/-.

3. The grievance of the petitioner in the present writ petition is that the Assistant Director of Mines and Geology, Tandur, Vikarabad/3rd respondent herein issued the said notice without affording any opportunity to the petitioner herein to submit explanation. It is further submitted that no enquiry was conducted by the 3rd respondent before resorting to the said action.

4. A perusal of the impugned notice, dated 15.03.2018, though stated in the subject matter as a show cause notice, in reality directed the petitioner herein to remit the above said sum of money. The said notice does not refer to issuance of any notice in advance to the petitioner herein, calling upon for explanation and holding of any enquiry before arriving at the conclusions. In the considered opinion of this Court, it is a settled and well proposition of law that any action, which has civil consequences, must necessarily be preceded by notice and opportunity of being heard

to the persons likely to be affected by such action, otherwise, the same would tantamount to violation of principles of natural justice. The said principle is followed in breach in the present case. On that ground alone the Writ Petition is liable to be allowed and the direction to remit the amount cannot be sustained.

5. In the facts and circumstances of the case and keeping in view of the nature of controversy, this Writ Petition is disposed of, directing to treat the impugned notice bearing No.333/M/2004, dated 15.03.2018, as show cause notice and the petitioner herein is directed to submit explanation to the said show cause notice, within a period of two weeks from the date of receipt of a copy of this order, and thereafter, the respondent-authorities will take appropriate further action, strictly in accordance with law, after affording opportunity to the petitioner herein. Till the said exercise attains finality, no coercive action pursuant to the impugned notice shall be taken.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed. No costs.

06th July, 2018
smr

A.V.SESHA SAI,J