

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

W.P.No.26625 of 2018

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for General Administration Department.

2. A letter bearing No.002556/Advt.II/2017-18-6 dated 20.7.2018 of the Commissioner of Information and Public Relations Department, Hyderabad, Telangana is under challenge in the present writ petition.

3. According to the petitioner, it is a Small Daily Newspaper established in Hyderabad in the year 1974. Earlier, in the year 2011, the Information and Public Relations Department, published a list of Small Newspaper empanelled in Information and Public Relations Department, showing the petitioner at Serial No.4 under 'A' category.

4. By way of letter dated 19.9.2016, while ordering renewal, the Commissioner, I & PR Department categorized the petitioner as 'A' category and as per the said letter, the amount payable being Rs.70/- per sq.cm and the Commissioner issued the said order valid for a period of three years. Now by way of impugned letter dated 20.7.2018, the Commissioner, I & PR Department changed the category of the petitioner as 'B' and the rate payable per cm. as Rs.65/-. The petitioner herein assailed the said letter changing the category and the amount payable as being illegal, arbitrary, unreasonable and violative of principles of natural justice.

5. On the other hand, it is submitted by the learned Government Pleader that as per G.O.Ms.No.646, General Administration (I & PR-I) Department dated 29.8.2007, the Special Commissioner is the authority competent to fix the rates and to undertake the process of rate revision twice in a year i.e. January and June. It is also brought to the notice of this Court that the Committee constituted for fixing the rates submitted a report and as per the

said report, in order to have the benefit of having category 'A' the newspaper shall have the seniority of 15 years and paper which contains 12 and more than 12 pages and the case on hand, the petitioner is publishing only (8) pages.

6. In the instant case, admittedly, the Commissioner, I & PR Department by way of letter dated 19.9.2016 categorized the petitioner as 'A' category and fixed the rate per c.m. as Rs.70/- and issued the said order valid for a period of three years. A perusal of the impugned order does not indicate anything with regard to issuance of show cause notice prior to changing the category and the rate payable per sq.cm. It is a settled and well established principle of law that any action which has civil consequences must be preceded by a notice to the persons likely to be affected by such action and in the instant case, the same is followed in breach. On the said ground alone, the writ petition is liable to be allowed.

7. Accordingly, the writ petition is allowed, setting aside the letter bearing No.002556/Advt.II/2017-18-6 dated 20.7.2018 of the Commissioner of Information and Public Relations Department, Hyderabad. However, it is open for the Respondents herein to issue a notice and to give opportunity to the petitioner to file explanation and thereafter, it is open for the Respondents to pass appropriate orders strictly in accordance with law, after considering the explanation. As a sequel, the miscellaneous petitions, if any, shall stand closed. There shall be no order as to costs.

A.V.SESHA SAI, J

Date: 30.8.2018
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THE HON'BLE SRI JUSTICE A.V.SESHA SAI



30.8.2018

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