

THE HON'BLE SRI JUSTICE A.ABHISHEK REDDY

WRIT PETITION No.4006 of 2021

ORDER:

Heard the learned counsel for the petitioner, the learned Government Pleader for Municipal Administration and Urban Development for respondent No.1, and the learned Standing Counsel for respondent No.2. With their consent, the writ petition is disposed of at the stage of admission itself.

This writ petition is filed questioning the Notice of Revocation dated 11.01.2021 issued by respondent No.2 revoking the Certificate of Registration for construction of building in the subject land belonging to the petitioner.

A perusal of the material on record reveals that, vide order dated 27.11.2020, respondent No.2 issued Certificate of Registration in favour of the petitioner granting permission for construction of individual residential building in the subject land. However, on 11.01.2021, the respondent No.2 has issued the impugned notice revoking the permission granted earlier to the petitioner. But, as can be seen from the impugned notice, the respondent No.2 has not assigned any reasons for revocation the building permission.

In **Assistant Commissioner, Commercial Tax Department, Works Contract and Leasing, Kota vs. Shukla and Brothers¹**, the Hon'ble Supreme Court has held as under:

".... while exercising the power of judicial review on administrative action and more particularly the judgment of courts in appeal before the higher court, providing of

¹ (2010) 4 SCC 785

reasons can never be dispensed with. The doctrine of audi alteram partem has three basic essentials. Firstly, a person against whom an order is required to be passed or whose rights are likely to be affected adversely must be granted an opportunity of being heard. Secondly, the authority concerned should provide a fair and transparent procedure and lastly, the authority concerned must apply its mind and dispose of the matter by a reasoned or speaking order

.... A litigant who approaches the court with any grievance in accordance with law is entitled to know the reasons for grant or rejection of his prayer. Reasons are the soul of orders. Non-recording of reasons could lead to dual infirmities; firstly, it may cause prejudice to the affected party and secondly, more particularly, hamper the proper administration of justice. These principles are not only applicable to administrative or executive actions, but they apply with equal force and, in fact, with a greater degree of precision to judicial pronouncements. The orders of the court must reflect what weighed with the court in granting or declining the relief claimed by the applicant.”

For the afore-stated reasons and in view of the ratio laid down by the Hon'ble Supreme Court in **Shukla and Brothers Case (supra)**, without going into the merits of the case, the Writ Petition is allowed, setting aside the impugned Notice of Revocation, dated 11.01.2021. However, the respondent authorities are at liberty to issue a fresh notice giving full details, call for an explanation from the petitioner and then pass necessary orders on merits. The entire exercise shall be completed, as expeditiously as possible, preferably, within a period of six weeks from the date of receipt of a copy of this order. A copy of the order shall be communicated to the petitioner. It is also made clear that any construction made by the petitioner is subject to the final

orders likely to be passed by the respondent No.2 and the petitioner shall not seek any equities in case any adverse order are passing against him.

The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

A.ABHISHEK REDDY, J

Date : 22.02.2021
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