
(2013) 10 AP CK 0108

In the Andhra Pradesh High Court

Case No : Writ Petition No. 29914 of 2013

A. Ramanaiah

APPELLANT

Vs

The Government of Andhra Pradesh

RESPONDENT

Date of Decision : 11-10-2013

Acts Referred:

Citation : (2014) 1 ALD 773 : (2014) 3 ALT 619

Hon'ble Judges : C.V. Nagarjuna Reddy, J

Bench : Single Bench

Advocate : P. Vinod Kumar, for the Appellant;

Final Decision : Partly Allowed

Judgement

C.V. Nagarjuna Reddy, J.—This writ petition is filed for a Mandamus to set aside the Memo No. 11586/M.II(2)/2011-14, dated 28.9.2013 of respondent No. 1 whereby it has dismissed the revision petition filed by the petitioner against the order in Proceedings No. 24870/R3-1/2010, dated 20.5.2011 of respondent No. 2 determining the mining lease for black galaxy granite to the petitioner. The impugned order reads:

Heard the case, duly giving opportunity for personal hearing on 13.12.2011 and taking into account the arguments put forth by both the Revision Applicant and the Implead Petitioner and remarks submitted by the Director of Mines & Geology, Hyderabad, the Revision Application filed by the applicant is hereby dismissed.

Accordingly, the above RA is disposed off under rule 35-A of Andhra Pradesh Minor Mineral Concession Rules, 1966.

2. A perusal of the impugned order shows that the same is bereft of any reasons whatsoever. Respondent No. 1 seems to be oblivious of the fact that being a quasi-judicial functionary vested with the revisional jurisdiction to decide the valuable rights of the citizens it has the duty and obligation to support the order

with reasons.

3. Duty to give reasons is a facet of principles of natural justice and no order whether administrative or quasi-judicial in nature, determining the rights of the parties can be sustained unless the same is supported by reasons.

4. In *Madhya Pradesh Industries Ltd. Vs. Union of India and Others (UOI)*, the Supreme Court held;

The conception of exercise of revisional jurisdiction and the manner of disposal provided in Rule 55 of the Mineral Concession Rules, 1960, are indicative of the scope and nature of the Government's jurisdiction. If tribunals can make orders without giving reasons, the said power in the hands of unscrupulous or dishonest officers may turn out to be a potent weapon for abuse of power. But, if reasons for an order are given, it will be an effective restraint on such abuse, as the order, if it discloses extraneous or irrelevant considerations, will be subject to judicial scrutiny and correction. A speaking order will at its best be a reasonable and at its worst be at least a plausible one. The public should not be deprived of this only safeguard.

5. In *G. Vallikumari Vs. Andhra Education Society and Others*, the Supreme Court on an exhaustive review of case law held:

In his order, the Chairman of the Managing Committee did refer to the allegations levelled against the appellant and representation submitted by her in the light of the findings recorded by the enquiry officer, but without even advertent to the contents of her representation and giving a semblance of indication of application of mind in the context of Rule 120(1)(d)(iv) of the Delhi School Education Rules, 1973, he directed her removal from service. Therefore, there is no escape from the conclusion that the order of punishment was passed by the Chairman without complying with mandate of the relevant statutory rule and the principles of natural justice. The requirement of recording reasons by every quasi-judicial or even an administrative authority entrusted with the task of passing an order adversely affecting an individual and communication thereof to the affected person is one of the recognised facets of the rules of natural justice and violation thereof has the effect of vitiating the order passed by the authority concerned.

6. Despite Constitutional Courts reiterating the law, firmly established in this regard again and again, regrettably the administrative and quasi-judicial functionaries have not been realizing their responsibility in furnishing reasons in support of their orders. It is high-time that respondent No. 1 reminds itself of its duty to give reasons while passing orders in exercise of its quasi-judicial powers.

7. As the impugned order, as noted above, is a thoroughly non-speaking order, the same is quashed and the case is remanded to respondent No. 1 for rehearing and passing a detailed speaking order within a period of three months from the date of receipt of this order.

8. The writ petition is, accordingly, allowed to the extent indicated above. As a sequel to disposal of the writ petition, W.P.M.P. No. 37136 of 2013 shall stand disposed of as infructuous.