



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3504]

TUESDAY, THE TWENTY FOURTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX

PRESENT

**THE HONOURABLE SRI JUSTICE MAHESWARA RAO
KUNCHEAM**

WRIT PETITION NO: 35324/2025

Between:

1.Y SATHYAM, S/O. Y. PEDDANNA, AGED ABOUT 56
YEARS, R/O.H.NO.5-231, PALUKURU VILLAGE,
BANAGANAPALLE MANDAL, NANDHYAL DISTRICT.

...PETITIONER

AND

- 1.THE STATE OF ANDHRA PRADESH, REP. BY ITS
PRINCIPAL SECRETARY, IRRIGATION AND CAD
DEPARTMENT, SECRETARIAT, AMARAVATHI,
GUNTUR DISTRICT - 522 238.
- 2.THE STATE OF ANDHRA PRADESH, REP. BY ITS
PRINCIPAL SECRETARY, MINES AND GEOLOGY
DEPARTMENT, SECRETARIAT, AMARAVATHI,
GUNTUR DISTRICT - 522 238.
- 3.THE DIRECTOR OF MINES AND GEOLOGY,
IBRAHIMPATNAM, NTR DISTRICT - 521 456.
- 4.THE DISTRICT MINES AND GEOLOGY OFFICER,
NANDHYAL, NANDHYAL DISTRICT- 518 500.
- 5.THE DIVISIONAL MINES AND GEOLOGY OFFICER,

BANAGANAPALLE, NANDHYAL DISTRICT - 518 124.

6.THE EXECUTIVE ENGINEER, WATER RESOURCES DEPARTMENT, MINOR IRRIGATION WORKS DIVISION, NANDHYAL, NANDHYAL DISTRICT - 518 500.

...RESPONDENT(S):

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased toPleased to issue a writ of mandamus or any other appropriate writ or direction declaring the action of the respondents in cancelling the NOC issued with respect to land of extent 2.367 Hectors in Palukuru Village, Banagapalle Mandal, Nandhyal District vide proceedings letter No.TW/JTO-2/F. No.A- 77/No.1215M/dated 16.07.2018 by the 6th respondent vide proceedings letter No.TW/JTO.2/521 M Dated 29.05.2025 illegal, arbitrary, one without jurisdiction and in violation of principles of natural justice and consequently set-aside the proceedings of the 6th respondent vide letter No.TW/JTO.2/521 M Dated 29.05.2025 and pass

IA NO: 1 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased pleased to suspend the proceedings of the 6th respondent vide letter No.TW/JTO.2/521 M Dated 29.05.2025, pending disposal of the Writ Petition and pass

Counsel for the Petitioner:

1.C SUBODH

Counsel for the Respondent(S):

1.GP FOR IRRI AND CAD

2.GP FOR MINES AND GEOLOGY

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM**WRIT PETITION NO: 35324/2025****ORDER:**

Heard Sri C. Subodh, learned counsel for the petitioner, Sri Y. Somaraju, learned Government Pleader for Irrigation and Sri P. Ramakrishna, learned Government Pleader for Mines and Geology.

2. Learned counsel for the petitioner submitted that the petitioner made an application dated 17.07.2014 to the 4th respondent-District Mines and Geology Officer seeking grant of a mining lease with respect to the land to an extent of Ac.5.85 cents in Sy.No.311/3 of Palukuru Village, Banagapalle Mandal, Nandhyal District, for excavation of limestone slab (Black) (in short 'subject land').

3. According to the learned counsel for the petitioner, the 6th respondent issued No-Objection Certificate (NOC) vide Lr.No.TW/JTO-2/F.No.A-77/No.1215M, dated 16.07.2018, in favour of the petitioner, whereby granting clearance for limestone slab (Black), and also by observing that the Assistant Director of Mines and Geology is requested to obtain undertaking from the petitioner that as and when the said land is required for the

irrigation and CAD department, the petitioner should vacate the subject land immediately.

4. Sri C. Subodh, learned counsel for the petitioner further submitted that without giving any prior notice to the petitioner, the 6th respondent straightaway addressed a letter No.TW/JTO-2/S2119, dated 29.05.2025, to the 5th respondent whereunder cancelled the No Objection Certificate (NOC) dated 16.07.2018 granted earlier in favour of the petitioner. He specifically asserted that before issuing the impugned letter dated 29.05.2025, no opportunity of hearing was offered to the petitioner, which is clear violation of principles of natural justice. Hence, the impugned proceedings are liable to be set aside on that ground alone. Accordingly, he prayed to allow the writ petition.

5. On the other hand, Sri Y. Somaraju, learned Government Pleader for Irrigation, submitted that the very order dated 16.07.2018, in its specific terms, expressed that as and when the subject land is required for Irrigation and CAD department purpose, the petitioner shall vacate the said land immediately. By virtue of that specific condition, he submitted that the authorities are empowered to cancel the No Objection Certificate (NOC)

dated 16.-07.2018 issued in favour of the petitioner. Hence, the present writ petition is liable to be dismissed.

6. Perused the record and considered the rival submissions made by the learned counsel on either side.

7. A close reading of the impugned letter dated 29.05.2025 (Ex.P1) emanated from the 6th respondent's office, crystal clears that No-Objection Certificate (NOC) dated 16.07.218, granted in favour of the petitioner, was cancelled by the 6th respondent without giving any prior notice.

8. It is also not in dispute that earlier the 6th respondent issued No-Objection Certificate dated 16.07.2018 (NOC) with certain conditions.

9. A mere imposition of condition while issuing No-Objection Certificate in favour of the petitioner to vacate the subject land itself may not empower the respondent authorities unilaterally and arbitrarily cancelling the No-objection certificate issued in favour of the petitioner. In fact, if this trend is allowed to continue by the respondent/Government authorities while passing the quasi-judicial orders, it may lead to several negative repercussions, which are against the very fundamental principles of jurisprudence. Hence, so as to avert the multiple negative

consequences, which would directly affect on constitutional rights of the citizens of our mother India, this Court, by invoking its vested powers under Article 226 of the Constitution of India, interdicts the orders under challenge in the present lis.

10. In this scenario, it is apt to note the well settled legal principles held in **Canara Bank v. Debasis Das**¹, wherein the Hon'ble Supreme Court emphasized the significance of **Service of notice** as an essential component of the principles of natural justice and also the importance natural justice. The relevant paragraph from the said judgment is extracted here under:

“...15. The adherence to principles of natural justice as recognized by all civilized States is of supreme importance when a quasi-judicial body embarks on determining dispute between the parties, or any administrative action involving civil consequences is in issue. These principles are well settled. The first and foremost principle is what is commonly known as audi alteram partem rule. It says that no one should be condemned unheard. Notice is the first limb of this principle. It must be precise and unambiguous. It should apprise the party determinatively of the case he has to meet. Time given for the purpose should be adequate so as to enable him to make his representation. In the absence of a notice of the kind and such reasonable opportunity, the order passed becomes wholly vitiated. Thus, it is but essential that a party should be put on notice of the case before any adverse order is passed against him. This is one of the most important principles of natural justice. It is after all an approved rule of fair play. The concept has gained significance and shades with time. When the historic document was made at Runnymede in 1215, the first statutory recognition of this principle found its way into the “Magna Carta”. The classic exposition of Sir Edward Coke of natural justice requires to “vocate, interrogate and adjudicate”.”

¹ (2003) 4 SCC 557

“...16. Principles of natural justice are those rules which have been laid down by the courts as being the minimum protection of the rights of the individual against the arbitrary procedure that may be adopted by a judicial, quasi-judicial and administrative authority while making an order affecting those rights. These rules are intended to prevent such authority from doing injustice.”

11. In the case of ***State Bank of India v. Rajesh Agarwal***², the Apex Court emphasized that the rule of audi alteram partem is an integral facet of constitution and cannot be excluded from in absence of an express statutory provision or by necessary implication. It had also clarified that procedural fairness requires issuance of a prior notice, disclosure of adverse material and grant of an effective opportunity of representation before arriving at a final decision. It had concluded that any such deviation from the requirement was to be held as clear breach of principles of natural justice.

12. In ***Krishnadatt Awasthy v. State of Madhya Pradesh***³, (3 Judge Constitutional Bench), the Hon'ble Supreme Court held that any decision affecting the rights of a person cannot be taken without giving that person notice and an opportunity of hearing. It is also held that the principle of audi alteram partem is a fundamental aspect of natural justice. Even if there are allegations of bias or irregularity in a selection process, the

² (2023) 6 SCC 1

³ (2025) 7 SCC 545

affected candidates must be impleaded and heard before their appointments are cancelled. Therefore, held that failure to give notice and hearing to the affected parties vitiates the decision, and procedural fairness must be followed before taking adverse action.

13. In the very recent case of ***Triveni Engineering & Industries Ltd. v. State of Uttar Pradesh***⁴, the Hon'ble Supreme Court, on 01.09.2025, emphasized that administrative authorities must adhere to the principles of natural justice before taking any action that adversely affects the rights of a party and observed that fairness in decision-making requires that the affected person be given proper notice of the case against them and a reasonable opportunity to present their explanation or defense. It has also held that any decision taken in breach of these principles becomes procedurally unfair and is liable to be set aside, as observance of natural justice is an essential safeguard against the arbitrary exercise of power.

14. In fact, the service of notice is a basic fundamental requirement in legal and administrative proceedings because it ensures that the affected party is informed about the action being taken against them. Proper service of notice provides the party

⁴ 2025 SCC OnLine SC 1877

with an opportunity to understand the allegations or issues involved and to give an opportunity to explain themselves in the matter of defense. It forms an essential part of the **principles of natural justice**, particularly the rule 'that no person should be condemned unheard'.

15. If these principles are not followed while passing an order, the decision often becomes arbitrary and legally vulnerable. Such orders may be set aside by courts for being unfair, unreasonable, or passed without proper application of mind. The absence of procedural fairness undermines the legitimacy of administrative decision-making and weakens public confidence in governmental institutions, which ultimately affects the public exchequer.

16. The consequences become more serious for common citizens, especially those from rural, rustic backgrounds. Many rural individuals already face barriers such as limited legal awareness, financial constraints, and difficulty accessing legal remedies. When an authority passes a quasi-judicial order without giving them an opportunity to present their case, submit evidence, or respond to allegations, they may suffer serious prejudice. Decisions affecting land rights, government benefits, employment, or licenses may be taken without considering their

side, which can directly affect their livelihood and economic stability. Thus, it would result in violation of constitutionally enshrined principles.

17. Furthermore, the failure to observe natural justice creates a sense of injustice and distrust toward administrative authorities. Rural citizens often lack the resources to challenge such decisions before higher courts or tribunals, and therefore an unfair order may remain uncorrected for long periods. This deepens social inequality and marginalization, as those with limited education or legal support are disproportionately affected. Therefore, adherence to the principles of natural justice is essential not only for legal validity but also for ensuring fairness, transparency, and protection of the rights of vulnerable sections of society.

18. For the foregoing conclusion arrived at by this Court and in the light of the above well settled legal principles laid down by the Apex Court, this Court without expressing any opinion on merits, is inclined to set aside the impugned letter/communication dated 29.05.2025 on the sole ground of violation of principles of natural justice only. Accordingly, the impugned proceedings letter

No.TWI/JTO.2/521M dated 29.05.2025, issued by the 6th respondent, is hereby set aside.

19. However, the respondents are at liberty to take appropriate steps against the cancellation of No-objection Certificate dated (NOC) 16.07.2018, in accordance with law, by duly following the principles of natural justice only.

20. With the above direction, the Writ Petition is disposed of. There shall be no order as to costs.

As a sequel, miscellaneous applications pending consideration, if any, shall stand closed.

JUSTICE MAHESWARA RAO KUNCHEAM

Date: 24.02.2026
ANS/GVK
Note: L.R. to be marked
B/o.
GVK

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THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

WRIT PETITION NO: 35324/2025

Date: 24.02.2026
ANS