

HON'BLE SRI JUSTICE G. SHYAM PRASAD

W.P. No.9186 OF 2020

ORDER:

This is a Writ of Mandamus filed by the petitioner seeking for declaring the action of the respondents in trying to dispossess the petitioner from the office i.e., a small shed situated in the Door No.68 of Keshavayana Gunta, Tirupati of Chittoor District within the premises of Srinivasa Kalyana Mandapam, Tirupati and directed to not to allow the Fish Market in front of the Srinivasa Kalyana Mandapam.

2. Heard arguments of learned counsel for the petitioner and learned Standing Counsel for TTD appearing for 2nd respondent. Learned counsel for 3rd respondent is not present.

3. The learned counsel for the petitioner submits that the petitioner is not pressing the relief claimed by him with regard to the direction to the 3rd respondent not to allow Fish Market in front of the Srinivasa Kalyana Mandapam. Hence the said relief is deemed not pressed by the petitioner.

4. Considering the submissions of learned counsel for the petitioner, since the petitioner is apprehending that the respondents are trying to dispossess him without following due process of law, the respondents 1 and 2 are hereby directed not to dispossess the petitioner from the schedule premises without following due process of law.

5. It is needless to say that the principles of natural justice have to be followed by the administration whenever a decision has been taken. The principles of natural justice is the sine qua non of a democratic Government.

Principles of natural justice includes:

(a) Rule against bias, Bias may include:

- (i) Personal Bias;
- (ii) Pecuniary Bias;
- (iii) Subject matter Bias;
- (iv) Departmental Bias;
- (v) Preconceived notion basis.

(b) Rule of *audi alteram Partem* : this right to fair hearing includes:

- (i) Right to know adverse evidence;
- (ii) Right to present case;
- (iii) Right to rebut evidence;
- (iv) Right to cross examination and make legal representation
- (v) Right to get reasoned decision etc.

5. With the above observation, the Writ Petition is disposed of. No costs.

Miscellaneous petitions, if any, pending shall also stand closed.

Date: 29.05.2020
Gvl

G. SHYAM PRASAD,J

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WRIT PETITION No.9186 OF 2020

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