

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH**

**WEDNESDAY, THE TWENTY SIXTH DAY OF AUGUST
TWO THOUSAND AND FIFTEEN**

Present

HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.27163 of 2015

Between:

Kolli Appa Rao,
S/o. Late Atchanna, Aged 50 years,
Agriculture, R/o. 7-155/1 & 2,
Revellapalem Road,
Madhuravada Village and Mandal,
Visakhapatnam District & 2 others

.. Petitioners

AND

The State of Andhra Pradesh,
Rep. by its Principal Secretary,
Department of Municipal Administration &
Urban Development,
Secretariat Buildings, Hyderabad & another

.. Respondents

The Court made the following:

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HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.27163 of 2015

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ORDER:

According to the petitioners, the fathers of the petitioners were granted D-Form pattas in Survey Nos.127/6, 127/7 and 127/9 in the year 1970. During the life time of their fathers, the fathers were in possession and enjoyment and after their demise, the petitioners were in possession and enjoyment. While so, the officers of the Visakhapatnam Urban Development Authority were interfering in peaceful possession and enjoyment of the said properties without any justification. When they were ascertaining the reasons for interference and attempting to dispossess, they were told of issuance of notice, dated 23.09.2013. On enquiries, the petitioners found that the second respondent has issued notice on 23.09.2013 proposing to cancel the assignments given to the petitioners. However, these notices are never served on the petitioners. They could secure a copy of the said notice recently.

2. As seen from the notice in Ex.P-1 at page 12 of the material papers, it does not show that the said notice was communicated to the petitioners. In fact, it appears to be an office copy of the second respondent.

3. As seen from the material papers enclosed to

the writ petition and the averments made in the affidavit in support of the writ petition, the assignment was made to the fathers of the petitioners in the year 1970 and it appears that those pattas are not annulled so far and the family is in continuous possession and enjoyment for more than 45 years. Therefore, ends of justice would serve if the respondents are directed to give an opportunity of hearing to the petitioners as well as to submit their written explanations.

4. Having regard to the specific assertion of the petitioners that no notice is served on them, I am of the considered opinion that in the interest of justice, an opportunity be afforded to the petitioners to respond to the said notice. Accordingly, the respondent is directed to permit the petitioners to submit explanation and they be afforded due opportunity of hearing to them. Until a decision is taken pursuant to the explanation submitted by the petitioners and after affording personal hearing, no coercive action shall be taken against the petitioners. The petitioners shall file their explanation within two (2) weeks from the date of receipt of a copy of this order and after receipt of the explanation submitted by the petitioners, a date shall be fixed by the second respondent for appearance and holding personal hearing and after holding personal hearing and considering the explanation only, reasoned order shall be passed.

5. With the above observations, the Writ Petition

is disposed of. There shall be no order as to costs.
Miscellaneous petitions, if any, pending in this writ petition
shall stand closed.

P.NAVEEN RAO, J

Date: 26th August, 2015

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HON'BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION No.27163 of 2015

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Date: 26th August, 2015

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