

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

WRIT APPEAL NO.500 OF 2015

Between:

Telangana State Rajiv Swagruha
Corporation Limited and others

.. Appellants

and

Voriganti Ravinder Reddy and others

.. Respondents

DATE OF JUDGMENT PRONOUNCEMENT : 24th JULY, 2015

SUBMITTED FOR APPROVAL:

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**THE HON'BLE THE ACTING CHIEF JUSTICE
SRI DILIP B. BHOSALE
AND**

THE HON'BLE SRI JUSTICE SANJAY KUMAR

(per Hon'ble Sri Justice Sanjay Kumar)

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| 1. Whether Reporters of Local newspapers may be allowed to see the judgment? | Yes/No |
| 2. Whether the copies of judgment may be marked to Law Reports/Journals | Yes/No |
| 3. Whether their Lordships wish to see the fair copy of the judgment? | Yes/No |

THE HON'BLE THE ACTING CHIEF JUSTICE

SRI DILIP B. BHOSALE

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WRIT APPEAL NO.500 OF 2015

J U D G M E N T

(per Hon'ble Sri Justice Sanjay Kumar)

Respondents 4 to 6 in W.P.No.5558 of 2009 are in appeal aggrieved by the order dated 23.09.2014 passed by a learned Judge of this Court allowing the said writ petition.

Challenge in the said writ petition was to the action of the respondents therein in laying stones for constructing houses in the writ petitioner's assigned land in Sy.Nos.556/13, 14 and 17 of Nustulappur Village, Thimmapur Mandal, Karimnagar District, and the panchnama proceedings dated 17.12.2007. The claim of the writ

petitioner was that he was an ex-serviceman and was assigned the subject land in the year 1993. While so, Notice dated 30.05.2007 was issued to him calling upon him to show-cause as to why the assigned land should not be resumed for a public purpose. The writ petitioner submitted his explanation thereto and according to him, no order was passed canceling the assignment or resuming the land. However, the respondents, under the impugned panchnama dated 17.12.2007, purported to record delivery of possession of the subject land in favour of third parties.

Interim orders were granted pending the writ petition protecting the petitioner's possession.

The case of the State authorities, on the other hand, was that pursuant to the submission of an explanation by the writ petitioner, a final order was passed on 25.06.2007 resuming the assigned land.

However, the record produced before the learned Judge disclosed that the said order dated 25.06.2007 was served only on one G. Balayya. As there was no evidence of the said G.Balayya being authorized to receive the order on behalf of the writ petitioner, the learned Judge was of the opinion that it did not amount to proper and valid service. In that view of the matter, the learned Judge held that the order dated 25.06.2007 did not have any effect and accordingly declared it to be illegal.

The appellants, being respondents 4 to 6 in the writ petition, were the beneficiaries of the purported resumption of the writ petitioner's assigned land.

Heard Sri J. Prabhakar, learned counsel for the appellants/ respondents 4 to 6 in the writ petition, and Sri N. Sridhar Reddy, learned counsel for the first respondent/writ petitioner.

Though it admittedly came to light during the pendency of the writ petition that the State authorities had passed the final order dated 25.06.2007, the writ petitioner did not take steps to amend his prayer in the writ petition and subject the same to challenge. In effect, the said order was not even questioned before the learned Judge. Further, the failure on the part of the State authorities to serve the said order upon the writ petitioner in accordance with due procedure would only have the effect of invalidating the same and would not vitiate the entire proceedings. With due respect, this aspect of the matter was completely lost sight of by the learned Judge.

As the order dated 25.06.2007 has already been invalidated by the learned Judge, we are of the opinion that the interests of justice would be adequately served by allowing the State authorities to take up the matter afresh from the stage of submission of the explanation by the writ petitioner to the show-cause notice dated 30.05.2007. It would be open to the writ petitioner to supplement his explanation by way of an additional explanation, if he so chooses, and also seek a personal hearing. The authorities concerned shall take note of the grounds put forth by the first respondent/writ petitioner, give him an opportunity of personal hearing, if sought, and pass appropriate reasoned orders in the matter in accordance with law under due communication to the first respondent/writ petitioner.

The order under appeal is therefore set aside to the extent indicated above. The writ appeal is disposed of accordingly. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

DILIP B. BHOSALE, ACJ

SANJAY KUMAR, J

24th JULY, 2015

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