

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

* * *

WRIT PETITION No. 22384 of 2015

BETWEEN

Syed Sultan Zaidi

... PETITIONER

AND

The State of Telangana, rep.by its Principal Secretary and others

...RESPONDENTS

Date of Order pronounced: 27.07.2015

SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

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

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ORDER:-

Heard.

2. Petitioner, who filed Revision Petition bearing No.E7/B2/12963/2015 before the Joint Collector, third respondent herein, questions the order passed by the third respondent dated 07.07.2015, primarily, on the ground that on 17.01.2009 the revision was adjourned to 24.01.2009 for submitting written arguments. However, the then Joint Collector was thereafter transferred and no further date was given for advancing arguments. Petitioner states that he and his counsel received notice for hearing only on 04.07.2015 and in response to that he attended and requested the third respondent to pass over the matter for oral arguments. However, petitioner also filed an application under Section 151 CPC praying for reopening of the revision for the purpose of submitting oral arguments. However, the impugned order was passed by the third respondent on 07.07.2015 dismissing the revision petition. Aggrieved thereby, the present writ petition is filed.

3. Learned Government Pleader states, on instructions, that on 04.07.2015 only the petitioner appeared before the third respondent and his counsel was not present. Since the revision petition was pending for long time and since the written arguments were already on record, the third respondent has reserved the matter and pronounced the order on 07.07.2015.

4. Evidently, the petitioner, who is the revision petitioner, was not heard and though he filed written arguments in the year 2009, a right of personal hearing is a substantive right, which stands denied to the petitioner. It may be that the revision is pending for long and that petitioner and his counsel were not diligent in submitting arguments on 04.07.2015. However, in the interest of substantial justice the third respondent ought to have given one opportunity to the petitioner by fixing a date and thereafter decide the matter on merits.

5. The impugned order passed without hearing the petitioner, though his written arguments were considered, is not in accordance with the principles

of fairness and substantial justice. Hence, the said order is set aside and the revision shall stand remitted to the third respondent for fresh consideration. The third respondent shall fix a date of hearing, on which the petitioner can avail opportunity of personal hearing, failing which the third respondent is free to decide the matter on available records and pass appropriate orders.

The writ petition is accordingly allowed. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

July 27, 2015
LMV