

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.9855 of 2012

ORDER:

Heard learned counsel for the petitioners and the Government Pleader for Revenue. With the consent of both the parties, the writ petition being heard at the admission stage itself.

The present writ petition came to be filed seeking issuance of a writ of mandamus, declaring the action of the second respondent in passing the order dated 09.09.2011 in file No.7856 of 1999, as arbitrary, illegal and contrary to law; and consequently direct the second respondent to restore case No.D1/18/1996 and File B1/7856/1999 by setting aside the orders dated 08.04.2011.

The main argument of the learned counsel for the petitioners is that aggrieved by the orders dated 10.06.1997 the fourth respondent filed W.P.No.25027 of 1999. The said writ petition was disposed by directing the authority to dispose of the appeal within a period of six months. It is stated that the petitioners herein were not informed about the said order and there was a communication gap between the petitioners and respondents. Since there was no representation on behalf of the petitioners the above appeal was dismissed for default. The counsel for the petitioners submits that the absence of the writ petitioners before the authority was neither willful nor wanton.

The material on record discloses that the appeal was dismissed for default and no opportunity was given to the petitioners, which would definitely cause great hardship to the

petitioners.

Having regard to the circumstances of the case, the order under challenge is set aside and the matter restored on to its file. The third respondent shall dispose of the appeal on merits after hearing both sides within six months from the date of receipt of a copy of this order.

With the above direction, the writ petition is disposed of. There shall be no order as to costs.

Miscellaneous Petition, if any, pending in this writ petition, shall stand closed.

**JUSTICE C. PRAVEEN
KUMAR**

04.09.2015

gkv