

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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WRIT PETITION NO.35775 OF 2015

ORDER

The grievance of the petitioners is with regard to the order dated 14.10.2015 passed by the Government of Telengana, the revisionary authority, in rejecting the interim stay application filed by the petitioners pending the revision, whereby they sought suspension of the operation of the order dated 28.09.2007 passed by the Agency Divisional Officer and Sub Collector, Bhadrachalam, in LTR Case No.71/CHRL/2007 which was confirmed in appeal by the Additional Agent to Government, Bhadrachalam, Khammam District, in CMA No.26 of 2012, by order dated 27.06.2015.

Perusal of the impugned memo dated 14.10.2015 reflects that it is completely bereft of reasons. Para 3 thereof is terse to the point of being cryptic and reads as under:

‘Government after careful examination of the matter the request of Smt. Syed Hussain Bee W/o Ameenuddin, R/o Charla, Charla Mandal, Khammam district for grant of stay on the orders of the Additional Agent to Government in CMA No.26/2012 dated 27.6.2015 is rejected as there is no sufficient grounds.’

As Sri P.V. Ramana, learned counsel for the petitioners, contended that the petitioners were not even given an opportunity of hearing before rejection of their stay application, learned Assistant Government for Social Welfare was asked to get instructions in the matter.

Thereupon, the Tahsildar, Charla Mandal, Khammam District, filed a counter-affidavit, but the same is pointedly silent as to whether the petitioners were even given an opportunity of hearing before rejection of their stay application. Sri P.V. Ramana, learned counsel, states that the petitioners had engaged a counsel to represent their interest before the revisionary authority, but without giving him a notice, the stay application had been rejected.

This is not how a revisionary authority is expected to discharge its quasi judicial functions under the statute.

The impugned memo dated 14.10.2015 is accordingly set aside on this short ground and the matter is remitted to the file of the revisionary authority for consideration afresh of the petitioners' interim stay application filed in the pending revision in accordance with law and the principles of natural justice. The revisionary authority shall thereupon pass appropriate reasoned orders in the matter and communicate the same to the petitioners and their counsel. Pending such exercise, the order dated 28.09.2007 passed by the Agency Divisional Officer and Sub Collector, Bhadrachalam, in LTR Case No.71/CHRL/2007 shall not be given effect to.

The writ petition is accordingly allowed to the extent indicated above. Pending miscellaneous petitions shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

28th DECEMBER, 2015

PGS