

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

WRIT APPEAL No.561 of 2015

Dt:07.07.2015

Between:

R.Thulashamma.

... Appellant

And

Boya Sanjanna and others.

... Respondents

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

WRIT APPEAL No.561 of 2015

PC: (per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)

This writ appeal is filed by one R.Thulashamma, W/o.R.Ramalinga Reddy against the order, dated 10.10.2014, passed in W.P.No.2383 of 2004. The appellant was not party to the writ petition. In view of the leave granted by this Court, she filed the instant appeal against the impugned order.

Mr.K.Sitaram, learned counsel for the appellant, at the outset, invited our attention to paragraph '10' of the impugned order and submitted that the appellant being original declarant, the concerned authority has now issued notice to her in pursuance of the observations made therein. He submits that she was not party to the instant proceedings, and therefore, she did not get an opportunity before learned Single Judge to point out that she did not hold surplus land on the appointed date. Paragraph '10' of the impugned order reads thus:

“Accordingly, the Writ Petition is allowed. It is open for the respondents to proceed against the original declarant for taking over the surplus land by following due process of law.”

Having considered the contention urged by learned counsel for the appellant, we are satisfied that the order that we propose to pass shall meet the ends of justice. Learned counsel for the appellant has also agreed for the following order:

“If the respondents initiate any proceedings against the

appellant (original declarant) for taking over her surplus land, it is open for the appellant to contest the said proceedings on all grounds that may be available to her. In any case, the respondents will have to follow due process of law as observed in the impugned order and no order shall be passed without granting an opportunity of being heard to the appellant. Since the appellant was not party to the writ petition, the concerned authority shall decide the issue of surplus land on merits in accordance with law, without being influenced by the observations made in the impugned order. It is open to the appellant to produce all materials that she desires to rely upon to prove her claim before the concerned authority. All contentions of the appellant on merits are kept open. It is also made clear that if necessary, the concerned authority may issue notice to the original petitioner i.e. Boya Sanjanna S/o.Boya Chinna Hanumanna.”

With these observations, the writ appeal is disposed of.

Consequently, miscellaneous petitions, if any, also stand disposed of.

DILIP B. BHOSALE, ACJ

S.V. BHATT, J

Dt:07.07.2015
kdl