

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

W.P. No. 30596 OF 2011

ORDER :

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This writ petition is filed against proceedings in RC MRI/320/2010 dated 02.10.2011 issued by the 1st respondent wherein it is stated that the pattadar passbook granted in favour of the petitioner was cancelled and he was directed to deliver back pattadar passbook, else criminal case will be registered against the petitioner.

2. Heard learned counsel for the petitioner, learned Assistant Government Pleader for Revenue, learned counsel appearing on behalf of the unofficial respondents.

3. It is the case of the petitioner that without issuing any notice, straight away impugned proceedings have been issued stating that pattadar passbooks granted in favor of the petitioner have been cancelled.

4. Counter affidavit and additional counter affidavit has been filed by the 1st respondent. The crux of the counter affidavit and additional counter affidavits is that since the litigation is pending between the petitioner and his brother, pattadar passbooks issued in favour of the petitioner were cancelled. It is also stated that the petitioner had also sold lands to third parties, who were also granted pattadar passbooks and title deeds.

5. Though notices have been issued to unofficial respondents and matter is of the year 2011, no counter affidavit is filed by them.

6. Learned Assistant Government Pleader states that the 1st respondent issued notice to the petitioner.

7. The impugned proceedings are silent as to the issuance of prior notice to the petitioner before cancellation of pattadar passbooks granted in favour of the petitioner. It does not refer to issuance of any notice to the petitioner. The 1st respondent only wants to create confusion by filing counter affidavit and additional counter affidavit stating that the petitioner was issued notice, which is impugned in the writ petition. The impugned proceedings in the writ petition cannot be called as notice. Only on that point, the writ petition is to be allowed.

Since the 1st respondent tried to give an impression that notice was issued to the petitioner, in fact no such notice was issued, the writ petition is allowed with costs of Rs.10,000/- (Rupees ten thousand only) against the 1st respondent, who issued impugned proceedings without prior notice. However, it is open for the competent authority to initiate appropriate proceedings basing on the orders in S.A.No.1190 of 2009, said to have been filed by the respondents 4 and 5 in the writ petition.

As a sequel thereto, miscellaneous petitions, if any, pending in this writ petition, shall stand disposed of.

23.03.2016.
kvs

A.RAJASHEKER REDDY, J

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W.P. No.30596 OF 2011

Date: 23-03-2016

