

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.26188 of 2011

ORDER:

Petitioners challenge the order No.D5/3015/2008 dated 20.03.2010 of the Joint Collector, Ranga Reddy District, Hyderabad.

2. Through the order impugned in the writ petition, the first respondent allowed the revision filed by the fourth respondent, later on, continued by respondents 5 to 8. On 06.09.2016, the following docket order was passed and communicated to the first respondent:

“At request of Assistant Government Pleader, on 18.07.2016, time was granted to produce File No.D5/2015/2008. Further time on 26.07.2016, 16.08.2016 and 31.08.2016 has been granted. In spite of granting sufficient time, the file is not produced from the Office of respondent Nos.1 to 3.

The Assistant Government Pleader prays further time of one week to produce the record. The request is accepted.

Post on 14.09.2016.

If the file as directed on 18.07.2016 is not produced from the Office of respondent No.1, respondent No.3 is directed to be present with the available record for consideration. Respondent Nos.1 to 3 are further directed to deposit a sum of Rs.3,000/- to the credit of Secretary, Legal Services Authority, State of Telangana.

Office to communicate this order to respondent Nos.1 to 3.”

The first respondent, in compliance with the above direction, has placed the original record for perusal by the Court.

3. Mr. B. Venkata Rama Rao, counsel appearing for respondents 5 to 8, is permitted to peruse the record.

4. One of the objections of the writ petitioners against the order impugned in the writ petition is that the revision was disposed of without notice to the writ petitioners and on that ground alone, the order impugned is liable to be set aside.

5. The Assistant Government Pleader, after perusing the record, informs the Court that there is no record to show that either notice is sent to writ petitioners herein or they were represented by a counsel before the first respondent. Learned counsel for respondents 5 to 9 does not join issue on this submission.

6. Without going into the merits of the matter, on the short ground that without notice to writ petitioners, the order impugned in the writ petitioner was passed by first respondent, the order impugned is set aside, matter remitted to first respondent for consideration and disposal in accordance with law. The issue is pending between the parties from 1995-96 onwards. Keeping in view the long pendency of issue of entry in pahani, the Court directs the first respondent to dispose of the revision within three (3) months from the date of receipt of a copy of this order. Both parties are given liberty, if so advised, to file additional pleadings on question of law/fact within six (6) weeks from today. Counsel appearing for writ petitioners undertakes to enter appearance within three (3) weeks from the date of receipt of copy of this order.

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

September 14, 2016
DSK

S. V. BHATT, J

