HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.37609 of 2016

Date: 03.11.2016

Between:

Smt K.Saraswathi D/o K.Raveendra,
Aged about 36 years, Occu: Housewife,
Shop at Pre-Paid Taxi Counter at PAC-1,
Tirumala, Chittoor District, Andhra
Pradesh.

.....Petitioner

and

The Tirumala Tirupati Devasthanams,
Rep.by its Executive Officer at Tirupati,
Chittoor District and another.

.....Respondents

The Court made the following:

HONOURABLE SRI JUSTICE P.NAVEEN RAO

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ORDER:

Petitioner is aggrieved by the proceedings vide Roc.No.Rev2/599/AEO(P&R)/Tml/2013, dated 03.08.2016, impugned in this writ petition, by which transfer of shop in favour of the petitioner is cancelled and petitioner was evicted from the said shop.

2. The only submission made by the learned counsel for petitioner, at this stage, is that the said order is passed without prior notice and without affording opportunity of hearing. He would submit that the order has got evil and civil consequences and whenever such order is passed, the fundamental principle is, the effected person should be put on notice and be given opportunity of hearing.

3. Learned standing counsel for Tirumala Tirupati Devasthanam fairly submits that no prior notice was issued and straightaway orders are passed and petitioner was evicted from the shop as competent authority found grave illegalities in granting shop to petitioner.

4. Having regard to the submissions made and with the consent of learned counsel for petitioner and the learned standing counsel, writ petition is disposed of with the following order:

i) The proceeding dated 3.8.2016 shall be treated as show cause notice. Petitioner shall file her explanation in support of her contention with supporting documents within a period of two weeks from today. On receipt of such explanation, the

Executive Officer shall fix a date for personal hearing by issuing notice in advance to the petitioner, afford personal hearing to the petitioner, consider the explanation and the submissions made and pass appropriate orders as warranted by law within a period of two weeks from the date of holding of the personal hearing.

ii) Since petitioner is already evicted, she cannot be restored to the possession at this stage. However, if the petitioner succeeds in convincing the authority that cancellation of allotment was illegal, she shall be granted consequential benefits.

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

JUSTICE P.NAVEEN RAO

Date: 03.11.2016
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