

**THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM**

**WRIT PETITION No.21057 of 2016**

**ORDER:**

Order dated 16.06.2016 passed by the 2<sup>nd</sup> respondent-Joint Collector in Appeal Case No.CSB/471/2016 is challenged in this writ petition.

Though various grounds have been raised by the learned counsel for the petitioner challenging the impugned order, mainly he attacked it on the ground that principles of natural justice have been violated in particular the opportunity of hearing was not given to the petitioner while passing the impugned order.

It is the specific case of the petitioner as pleaded in the affidavit as well as the submission of the learned counsel for the petitioner that pursuant to the orders of this Court, the appeal was taken up by the 2<sup>nd</sup> respondent and petitioner was directed to appear on 23.05.2016 for hearing. However, on 23.05.2016 the 2<sup>nd</sup> respondent was otherwise engaged on account of meeting with Chief Minister's Office on certain policy matters. As such, the appeal was taken up on 24.05.2016 at 11.00 a.m. and as there was no representation for the petitioner on 24.05.2016 impugned order came to be passed.

In view of the specific averment made in the affidavit annexed to the writ petition that the next date of hearing as 24.05.2016 was not intimated to the petitioner, this Court directed the learned Government Pleader to ascertain from the proceedings as to whether there is any endorsement informing the petitioner's counsel as to the next date of hearing. Today, the learned Government Pleader has produced the file and a perusal of the same discloses that no such endorsement has been made. The fact that on 23.05.2016 no hearing was taken place

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2<sup>nd</sup> respondent had left the office is born out even from the impugned order dated 16.06.2016.

In the circumstances, as the impugned order passed by the 2<sup>nd</sup> respondent is pursuant to the orders of this Court in W.P.No.3560 of 2016 wherein this Court adverting to the averments in the writ petition and submissions made thereto directed the enquiry to be conducted apart from giving an opportunity of hearing and as specific disputes are raised with respect to the findings recorded by the Revenue Divisional Officer-3<sup>rd</sup> respondent, the impugned order is set aside giving liberty to the 2<sup>nd</sup> respondent to pass appropriate orders by keeping in view the directions given by this Court from time to time apart from taking into consideration the material available on record. It is needless to mention that adequate opportunity of hearing should be given to the petitioner to avoid the complaint that opportunity of hearing was not given.

Accordingly, the writ petition is disposed of. As *denova* enquiry is directed to be conducted and in view of the earlier orders of this Court, the petitioner shall be allowed to distribute the scheduled commodities pending disposal of the appeal, in other words, the order of the 3<sup>rd</sup> respondent stands suspended till disposal of the appeal by the 2<sup>nd</sup> respondent.

Miscellaneous Petitions pending in this writ petition, if any, shall stand closed. There shall be no order as to costs.

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**CHALLA KODANDA RAM, J**

15<sup>th</sup> July, 2016  
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