

HON'BLE SRI JUSTICE S.V.BHATT
WRIT PETITION No.14579 of 2011

ORDER :

Heard Mr.C.Subodh for petitioner, Government Pleader for Assignment and no representation for 3rd respondent.

2. The petitioner challenges order of 1st respondent No.D.Dis.R&R(4064)/2009, dated 11.01.2011 as illegal and violative of principles of natural justice. On 31.05.2011, this Court directed parties to maintain status quo obtaining as on that date as regards possession, for a period of four weeks. Admittedly the order was not extended with the expiry of four weeks. Be that as it may. Mr.C.Subodh contends that the order impugned in the writ petition is passed without notice to petitioner and the findings recorded by the 1st respondent are behind the back of the petitioner and everything that is contended by 3rd respondent is incorporated.

3. Mr.K.Subba Rao, appearing for respondents 1 and 2 basing upon instructions, submits that the proceeding impugned in the writ petition was not passed after issuing notice to petitioner and the complaint that the impugned proceeding is violative of principles of natural justice, is tenable. He further tries to contend that the petitioner is not entitled for grant of any house site patta and even if

the petitioner is successful on the 1st point, no useful purpose will be served by sending the matter back to Tahsildar, Rapur Mandal, SPSR Nellore District/2nd respondent.

4. I have perused the proceeding dated 11.01.2011. The impugned proceedings, in fact, take away what was conferred by the Tahsildar to petitioner and when a petition is entertained at the instance of 3rd respondent against such allotment, it is in fitness of things that the 1st respondent puts petitioner on notice before passing any order. The impugned proceeding, on the short ground of violative of principles of natural justice, is set aside, matter remitted to 1st respondent for disposal in accordance with law within a period of three months from the date of receipt of a copy of this order.

5. Writ petition ordered as indicated above. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

S.V.BHATT, J

26th July 2016

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ajr