

HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.41560 OF 2016

ORDER:

Heard Mr.Venkateshwara Rao Gudapati for petitioner and Ms.A.Jayanthi for respondents 3 and 4.

The petitioner/Automobile Mechanics Association challenges letter No.ZM/APIIC/KKD/AN/Euru(Allot)/2013 dated 15.11.2016 cancelling the allotment of land in Survey No.4/1 etc. in an extent of Ac.54.54 cents at Malkapuram Village, Euru Mandal, West Godavari District, as illegal, violative of principles of natural justice, arbitrary and unconstitutional.

The writ petition underwent adjournments from 30.11.2016 and 01.12.2016. Firstly, to enable the learned standing counsel to get instructions on the grievance of petitioner that in spite of receipt of explanation to the show cause notice dated 27.10.2016, the cancellation order impugned in the writ petition is passed by recording a finding that no explanation is received till the date of passing of the order. The petitioner has placed on record additional material papers to show that the reply was dispatched within the time granted by the respondents and the same was also received by respondent Nos.3 and 4 on 08.11.2016.

This Court is of the view that the cancellation order presumably is passed on account of the circumstances already noted in the order namely that explanation is not offered by the petitioner association. The issue of establishing Industrial Estate has been pending for quite some time without progress. On this

technical objection it is observed that instead of keeping the writ petition and granting interim order, writ petition can be ordered on the short ground that cancellation order is passed without taking note of the reply submitted by the petitioner association and for all purposes it is violative of principles of natural justice. Accordingly, the impugned letter is set aside. The matter is remitted to respondent Nos.3 and 4 for consideration afresh and a decision is taken as warranted in the fact situation of the case expeditiously.

The writ petition is ordered. No order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.

Date: 08-12-2016
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S. V. BHATT, J