

HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.5497 OF 2013

ORDER:

Heard Mr.Taddi Nageshwara Rao for writ petitioners and Mr.M.Ravindranath Reddy for 1st respondent.

The petitioners challenge the Dstraint Order dated 11.02.2013 in Rc.No.973/12 A (Notice in Form-I) of 5th respondent as illegal, violative of principles of natural justice and that Dstraint Order cannot be issued unless and until there is determination of liability by the 1st respondent after affording opportunity to writ petitioners. In paragraphs 5 and 6, the petitioners categorically assert that the respondents have not issued notice or afforded opportunity to petitioners before taking recourse a definite sum under Revenue Recovery Act.

This Court on 22.02.2013 granted interim order. The 1st respondent filed petition to vacate the interim order dated 22.02.2013.

Mr.Ravindranath Reddy appearing for the 1st respondent submits that if the grievance of petitioners is that they were not heard by respondents before determining the liability, the proceeding impugned in the writ petition can be set aside, matter remitted back to respondents for adjudication afresh. The statement is placed on record and Dstraint Order dated 11.02.2013 issued in Form-I is set aside. The alleged recovery from petitioners is remitted back to 1st respondent for adjudication in accordance with law. The 1st respondent is directed to issue notice to all the

petitioners and the petitioners are given liberty to raise objections available in law and fact on the notice issued by the 1st respondent. The 1st respondent is directed to pass orders within three months from the date of receipt of a copy of this order.

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

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

Date: 08-12-2016

Sp

S. V. BHATT, J

