

**THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN**

**AND**

**THE HON'BLE SRI JUSTICE A.SHANKAR NARAYANA**

WRIT APPEAL NO.1054 OF 2016

**JUDGMENT:** {Per the Hon'ble the Acting Chief Justice Ramesh Ranganathan}

After arguments were advanced by the learned Government Pleader appearing on behalf of the learned Advocate General, Sri Palle Nageswara Rao, learned counsel for the respondent-writ petitioner, would fairly state that, by oversight, the respondent-writ petitioner had failed to state, in the affidavit filed in support of the Writ Petition, that, against the impugned order, the petitioner had preferred an appeal to the District Collector. When we asked the learned counsel to explain how the respondent-writ petitioner could avail two parallel remedies simultaneously, Sri Palle Nageswara Rao, learned counsel for the respondent-writ petitioner, would fairly state that it would suffice if the District Collector (appellate authority) is directed to decide the appeal, preferred by the respondent-writ petitioner, within a specific time after giving him an opportunity of being heard.

In view of the submission made by Sri Palle Nageswara Rao, learned counsel the respondent-writ petitioner, we see no reason to examine the submissions made by the learned Government Pleader on merits. We consider it appropriate, in such circumstances, to set aside the order under appeal; and to direct the second appellant-District Collector to give the petitioner an opportunity of a personal hearing and, thereafter, dispose of the appeal in accordance with law at the earliest, and in any event not later than three (3) months from the date of receipt of a copy of this order.

Needless to state that the District Collector shall examine the petitioner's appeal on its own merits without being influenced by the observations made by the learned Single Judge.

The Writ Appeal stands disposed of accordingly. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

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**(RAMESH RANGANATHAN, ACJ)**

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**(A.SHANKAR NARAYANA, J)**

21<sup>st</sup> October 2016  
RRB

