

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

-
WRIT PETITION No.4692 OF 2016
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ORDER:

Heard Sri Vedula Venkata Ramana, learned Senior Counsel appearing for the petitioner, learned Government Pleader for Revenue appearing for respondents 1 to 4 and Sri L.Prabhkar, learned Standing Counsel appearing for respondent No.5. With consent of all the counsel, the present writ petition is disposed of at the admission stage.

2. The present Writ Petition came to be filed seeking issuance of writ of *Certiorari* to quash the notice of the 1st respondent issued vide Rc.No.B/14283/2016 dated 11.02.2016 and consequently, direct the respondents not to interfere with the possession and enjoyment of the petitioner over the land admeasuring Ac.32.00 Gts., in Sy.No.405 of Paloncha Revenue Village, Khammam District, Telangana.

3. The grievance of the petitioner is that the 1st respondent totally erred in issuing the impugned notice, dated 11.02.2016 even before expiry of the time stipulated by this Court in the Order, dated 05.02.2016 passed in W.P.No.3460 of 2016.

4. A perusal of the material on record discloses that earlier the petitioner herein filed Writ Petition No.3460 of 2016 before this Court seeking quashing of the show cause notice issued by the 1st respondent in R.C.No.B/1132/2016 dated 30.01.2016. By an Order dated 05.02.2016 this Court disposed of the said writ petition, the operative portion of the said order reads as under:

“The Writ Petition is, accordingly, disposed of. The petitioner shall request for documents from respondent No.1 as mentioned above on or before 15.02.2016 and file its explanation. There shall be no order as to costs.”

From the above, it is clear that the petitioner was directed to make a request for necessary documents on or before 15.02.2016 and file its explanation. The petitioner herein is said to have made a request to the Tahsildar on 06.06.2016 for providing documents so as to enable it to give a reply. Even before the documents are furnished and even before the expiry of 15.02.2016, the present order came to be passed directing the petitioner to vacate the premises within seven (07) days.

5. It is represented by the learned Senior Counsel appearing for the petitioner that the Tahsildar ought not to have passed the impugned order even before the expiry of time stipulated by this Court in its order, dated 05.02.2016. The same is not seriously challenged by the learned Government Pleader for Revenue appearing for respondent Nos.1 to 4 and the learned Standing Counsel appearing for the 5th respondent.

6. Having regard to the above, the writ petition is allowed setting aside the impugned notice of the 1st respondent issued vide Rc.No.B/14283/2016 dated 11.02.2016 and the petitioner shall submit its explanation in terms of the order passed by this Court on 05.02.2016 in W.P.No.3460 of 2016.

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

JUSTICE C. PRAVEEN KUMAR

Date:12.02.2016
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