

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

WP.No.11210 of 2016

ORDER :

The petitioner assails the order dt.24.02.2015 passed by 1st respondent.

2. The petitioner contends that he owns a plot of 343 Sq.yds. in a layout approved by the Gram Panchayat, Karmanghat on 12.06.1981, and which had been purchased by him under a registered sale deed dt.06.04.1983. The petitioner alleges that on 19.02.2013 and 20.02.2013, the 3rd respondent along with his staff conducted survey of the land in Survey No.175 where his plot is located and that petitioner informed the 3rd respondent on that day about a minor discrepancy caused in the South-East corner of 36 Sq.yds. due to construction of a storm-water drain by the Municipal Corporation which occupied the North-East corner of petitioner's plot.

3. The petitioner sought, by an application filed on 26.09.2013 under the Right to Information Act, 2005, the survey plan and other information from 3rd respondent. Alleging that 3rd respondent did not gave information completely, the petitioner approached 2nd respondent on 21.01.2014 and according to petitioner, on 12.02.2014 the 2nd respondent directed the 3rd respondent to furnish complete information to petitioner, but petitioner contends

that such information was not furnished to him.

4. The petitioner therefore filed 2nd Appeal before the 2nd respondent on 24.02.2015. The said appeal was ultimately heard on 24.02.2015 on which date the petitioner was absent. But the 3rd respondent was present, and basing on a representation made by 3rd respondent that complete information has been furnished, the impugned order was passed. The petitioner contends that the said order cannot be sustained because the representation made by 3rd respondent before 1st respondent is not correct and complete information had not been submitted to petitioner by 3rd respondent.

5. Heard the counsel for petitioner, and the learned Government Pleader for Revenue for respondents.

6. Having regard to the fact that the impugned order has been passed in the absence of petitioner, the said order is set aside and the 1st respondent is directed to hear the appeal afresh on a date fixed by it giving at least two weeks' notice to petitioner to appear before it; and then pass a comprehensive order giving reasons as to whether petitioner's claim is correct or not. The 1st respondent shall also hear respondent nos.2 and 3 before it passes any fresh order. This exercise shall be completed within three (03) months from the date of receipt of a copy of the order.

7. According the Writ Petition is allowed with the

above directions. No order as to costs.

8. As a sequel, miscellaneous petitions pending if any in this Writ Petition, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 12-04-2016

Ndr/*