

THE HON'BLE SRI JUSTICE A.V. SESA SAI

WRIT PETITION No.22146 of 2012

ORDER:

This writ petition, filed under Article 226 of the Constitution of India, challenges the order passed by the Tahsildar, Chirala vide proceedings Rc.B/227/2012, dated 26-06-2012.

Heard, Sri Ch. Samson Babu, learned counsel for the petitioners, learned Government Pleader for Revenue for respondents 1 and 2, Sri G. Seshadri, learned counsel for respondent No.3 and none appears for respondent No.4 despite service of notice, apart from perusing the material available before this Court.

According to the petitioners, the 1st petitioner is a private aided primary school, started by the father of the 2nd petitioner. It is further stated that in the year 2007 the 2nd petitioner was allotted the activity of implementation of the Mid Day Meal (Cooked) programme for children of classes I to V and since then he has been discharging the same. The Tahsildar, Chirala, by virtue of an order vide proceedings Rc.B/227/2012, dated 26-06-2012, appointed the 4th respondent herein and entrusted the Mid Day Meal work to the 4th respondent herein. The said order is under challenge in the present writ petition.

According to the learned counsel for the petitioner, only for the purpose of accommodating the 4th respondent the Tahsildar, Chirala passed the impugned order. It is the further emphatic

submission of learned counsel for the petitioners that the Tahsildar, Chirala did neither issue any notice nor given any opportunity of being heard to the 2nd petitioner before resorting to the impugned action.

A counter-affidavit is filed by the Tahsildar, Chirala, denying the averments in the writ affidavit and in the direction of justifying the impugned action. It is very much evident from a reading of the said counter-affidavit that there is absolutely no whisper about issuance of any notice before resorting to the impugned action. This, in the considered opinion of this Court is a patent violation of principles of natural justice and the impugned action is liable to be set-aside on the said solitary ground.

For the aforesaid reasons, the writ petition is allowed, setting aside the order passed by the Tahsildar, Chirala vide proceedings Rc.B/227/2012, dated 26-06-2012. However, it is open for the authorities to take action, in accordance with law, after giving notice and opportunity of being heard to the petitioners. There shall be no order as to costs.

The Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

A.V. SESA SAI, J

July 11, 2016

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