

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

WRIT PETITION No.6453 of 2012

ORDER:

Heard Sri E.Madan Mohan Rao, learned counsel for petitioners and the learned Government Pleader for Revenue appearing for respondent Nos.1 to 5. None appears for 6th respondent although the name of Mrs.S.Nanda is printed in the cause list.

2. A representation was made by 1st petitioner and others on

17-02-2011 to the 1st respondent requesting for rectification of entries made by the Revenue Authorities in khasara pahani 1954 and the pahanies prepared thereafter with regard to land in Sy.Nos.246 to 249, 251 to 257, to 266 to 268 to 273 of Shaikpet village of Shaikpet Mandal, Hyderabad District and also for rectification in Town Survey Register of Block "L" of Ward No.13 covering Sy.Nos.20, 21 and 25 of Town Survey. In the said representation, the petitioners have sought a personal hearing to persuade the 1st respondent to grant the above reliefs.

3. This application was treated as an application under the A.P. Telangana Area Land Revenue Act, 1317 Fasli by 1st respondent. However, without giving any personal

hearing, the said application has been rejected by the impugned Memo No.9387/SS.1/2011-2, Government of Andhra Pradesh, Revenue (SS-1) Department dt.02-08-2011.

4. Learned counsel for petitioners contended that the impugned order has been passed without hearing the petitioners' contentions, that the petitioners have material in their possession in support of the relief which they have claimed before the 1st respondent, and if they had been given an opportunity, they would have convinced the 1st respondent to grant the relief prayed by them.

5. Learned Government Pleader for Revenue appearing for respondent Nos.1 to 5 states that personal hearing was no doubt sought for by the petitioners but the same has not been granted by 1st respondent before passing the impugned order. He however, sought to support the impugned order on merits.

6. Since the principal contention of the petitioners is that they have not been given any opportunity of personal hearing before the impugned memo has been issued, and since this fact has not been disputed by the learned Government Pleader for Revenue appearing for respondent Nos.1 to 5, in the interest of justice, the

impugned memo dt.02-08-2011 in Memo No.9387/SS.1/2011-2, Government of Andhra Pradesh, Revenue (SS-1) Department passed by the 1st respondent is set aside; the matter is remitted back to the 1st respondent to consider the issue afresh after giving a personal hearing to petitioners or their counsel apart from the 6th respondent, who also claims an interest in the issue. This exercise shall be completed within a period of four (04) months from the date of receipt of a copy of this order.

7. Since the petitioners were granted on 12-03-2012 *status quo* order by this Court with regard to the possession and since the said order has subsisted till date, it is directed that the *status quo* prevailing shall be maintained with regard to possession in all respects till the issue is decided afresh by the 1st respondent.

8. The Writ Petition is disposed of with the above directions. No costs.

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

JUSTICE M.S.RAMACHANDRA RAO

Date: 06-06-2016

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