

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION Nos. 3802, 3812, 3829 of 2016

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COMMON ORDER:-

Heard.

2. By these writ petitions, petitioners, who claim to be owners of the lands situated at Anthampalli Village, Bhiknoor Mandal, Kamareddy Division, Nizamabad District, question the respective resumption proceedings issued by the fourth respondent all of them dated 23.12.2015. The said orders are questioned, primarily, on the ground that there was no notice served on the petitioners.

3. On 09.02.2016, when these writ petitions came up for admission this Court granted interim suspension.

4. Learned Government Pleader for Revenue, who was required to verify whether notices were served on the petitioners, has since received instructions submits that the notices sent by registered post could not be served. Hence, on the present temporary residence of the petitioners, notices were pasted and thereby service by affixture is closed.

5. A reading of the impugned order in W.P.Nos.3802 and 3829 of 2016, however, show that though the order of resumption is dated 23.12.2015, service by affixture is stated to be under a panchanama dated 02.01.2016. Admittedly, the said service by affixture is after the passing of the impugned order and consequently, the contention of the petitioners that there was no notice to them deserves to be accepted.

6. Insofar as W.P.No.3812 of 2016 is concerned, the notice by registered post with acknowledgment due was served on the petitioner on 10.12.2015. Petitioner states that on the said date his brother died and before expiry of the 15 days period the impugned order was passed. The registered post notice aforesaid is produced by way of a miscellaneous petition viz., WP MP.No.5963 of 2016 as additional material papers. The said WP MP is accordingly allowed.

7. It is evident from the above that the impugned orders are passed in these writ petitions without service of notice and adequate opportunity to each of the petitioners. Hence, the impugned orders in the respective writ petitions are accordingly set aside. The matter shall stand remitted to the fourth respondent. Each of the petitioners are granted two weeks time to file their explanation and thereafter the fourth respondent shall fix a date for hearing, intimate the same to the petitioners, hear them, and then pass appropriate further orders in accordance with law.

Writ Petitions are accordingly allowed. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

February 15, 2016
LMV