

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.17890 OF 2012

ORDER:

Heard Sri O.Manohar Reddy, learned counsel for the petitioner, learned Assistant Government Pleader for Assignments (AP) and Smt Chayadevi for respondent No.4.

2. The petitioner challenges proceedings in R.Dis.No.1549/2008 (B), dated 10.08.2008 and the consequential assignment in favour of respondent No.4 in HSDC No.43/1418, dated 31.10.2008 and the endorsement of respondent No.2 issued in L.No.D2/3397/2011, dated 29.03.2012, as illegal and unconstitutional.

3. The Writ Petition has been substantially heard and disposed of on the question whether respondent No.3 before issuing proceedings, dated 10.08.2008, followed the principles of natural justice and issued notice/provided opportunity to the petitioner.

4. With the assistance of learned counsel appearing for the parties, I have perused the proceedings, dated 10.08.2008, and other material papers filed along with the writ petition. The Assistant Government Pleader for Assignments submits that he is unable to satisfy the Court from impugned proceedings that respondent No.3 has issued notice to petitioner before cancelling allotment of house plot No.19. The stand taken in the counter-affidavit cannot and could not by itself serve purpose of satisfying the procedure of putting petitioner on notice. Therefore, as the stand taken in the counter-affidavit is rejected, the proceedings impugned are issued without notice and affording opportunity to the petitioner, these proceedings are set aside. It is made clear that only on the ground of violation of principles of justice, the proceedings impugned in the writ petition are set aside. It is open to respondent No.3 to follow the procedure and if the circumstances

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Dt: 08.08.2016

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