HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

W.P.No.19363 of 2010

ORDER:

Heard the learned counsel for the petitioners and the learned Government Pleader for Assignment appearing for respondent
Nos.1 to 5.

2. The petitioners were given Ac.0.02 cts each by 5th respondent under proceedings H.Dis.No.67/1418 dt.25-01-2009 for construction of houses by way of house site pattas. This was questioned by respondent Nos.6 to 14 before 3rd respondent by way of appeal without mentioning under what statute such appeal is filed. Without issuing any notice to the petitioners, the impugned order has been passed on 21-11-2009 canceling the house site pattas issued to the petitioners.

3. Writ Petition was admitted on 11-08-2010 and in W.P.M.P.No.24518 of 2010, this Court directed that *status quo* obtaining as on that date shall be maintained as regards the possession of land in question for a period of four weeks.

4. W.V.M.P.No.3959 of 2011 has been filed by respondent Nos.6 to 14 and W.V.M.P.No.92 of 2011 has been filed by respondent Nos.1 to 4 to vacate the said order.

5. In the counter affidavit filed by respondent Nos.1 to 4, they have nowhere stated under what authority the 3rd respondent entertained the appeal filed by respondent Nos.4 to 16. They have also not stated that notice was issued to the petitioners before passing the impugned order and the said notice was served on the petitioners.

6. This fact is not disputed by the learned Government Pleader for Assignment appearing for respondent Nos.1 to 5 or by the learned counsel for respondent Nos.6 to 14.

7. Since there is a blatant violation of principles of natural justice, and since the very appeal filed by respondent Nos.6 to 14 before 3rd respondent is not filed under any statute, and since it is settled law that right to file an appeal has to be conferred by statute, the Writ Petition is allowed, impugned order No.Rc (G) 1703/2001 dt.21-11-2009 passed by 3rd respondent is quashed. Respondent Nos.1 to 4 shall also pay costs of Rs.4,000/- (Rupees Four Thousand only) to the petitioners.

8. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 22-06-2016
kvr