

THE HON'BLE SRI JUSTICE S.V.BHATT

W.P.No.27987 OF 2011

ORDER:

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The petitioners challenge notice bearing Rc.No.188/2009/A, dated 12-08-2011 issued by 2nd respondent as illegal, violative of principles of natural justice and unconstitutional.

The case of petitioners is that the impugned notice is issued without enquiry on the basic fact, which determines whether a case for recovery of amount is made out or not, but the impugned notice is issued on assumptions and by reference to order of District Collector, Visakhapatnam-1st respondent bearing Rc.No.2369/2010/E2, 06-04-2011.

The 2nd respondent filed counter affidavit and circumstances under which notice is issued are stated. The 2nd respondent further goes on record by contending that the notice impugned in the writ petition is not the final determination of the issue, the petitioners submitted explanation on 26-08-2011 and the 2nd respondent is prepared to enquire into the matter and pass appropriate orders.

The operative portion of the counter affidavit reads thus :-

“It is only a show cause notice and the petitioners have submitted explanation on 26.8.2011, while the matter is still pending before this respondent, the petitioners have filed the present writ petition without awaiting issuance of the orders by this respondent. The writ is not maintainable, hence liable to be dismissed.”

The counsel appearing for parties submit that the 2nd respondent may be directed to conclude the enquiry already

initiated, afford opportunity to petitioners and pass final orders in this behalf.

The statement is accepted.

The 2nd respondent is directed to conclude the enquiry initiated through notice impugned in the writ petition and he is further directed to afford opportunity to petitioners as required by law. The said exercise shall be completed within eight weeks from the date of receipt of a copy of this order.

The writ petition is disposed of accordingly. No order as to costs.

Miscellaneous petitions, if any, pending shall stand closed.

S. V. BHATT, J

Dt: 10-08-2016

Note:

Issue C.C. in one week

(B/o)

Prv

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.27987 of 2011

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10-08-2016

Prv