

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 9392 of 2013

ORDER:

1) Heard Sri Taddi Nageshwara Rao, learned counsel appearing for the writ petitioners and Sri M.Ravindranath Reddy, learned Standing Counsel for the first respondent.

2) The present writ petition came to be filed with the following relief:

“issuance of writ of mandamus declaring the notice of the fifth respondent issued Form-I Dstraint Order in Rc.No.26/ 2011/ SA, dated 09.01.2012 and consequential proceedings Form-2 notice of sale as illegal, arbitrary and in violation of principles of natural justice; and consequently *set aside* the same.”

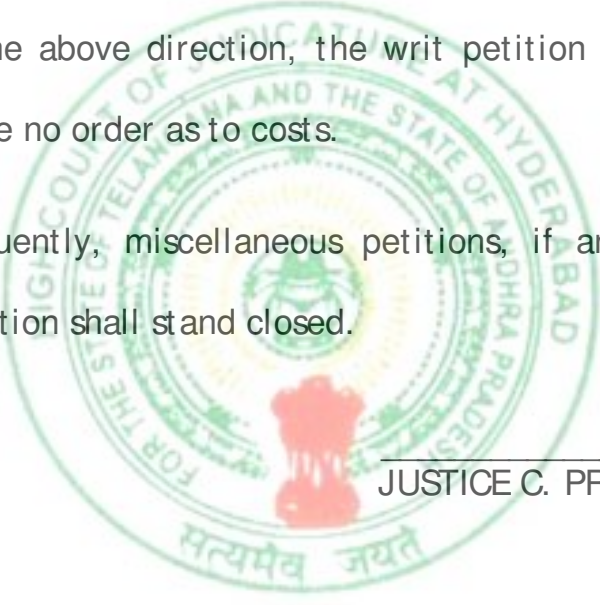
3) By an order dated 28.03.2013, this Court while admitting the writ petition, granted interim stay of all further proceedings pursuant to the impugned dstraint order dated 09.01.2012.

4) When the matter is taken up for hearing, Sri M.Ravindranath Reddy, learned Standing Counsel for the first respondent submits that since the grievance of the petitioners is that they were not heard by respondents before determining the liability, the matter may be remitted back to the respondents for adjudication afresh after setting aside the impugned proceedings.

5) Since the petitioners were not heard before passing the impugned order, the impugned proceedings are set aside and the matter is remitted back to the first respondent with a direction to pass orders appropriate orders in accordance with law, as early as possible, preferably, within a period of three (03) months from the date of receipt of a copy of the order. The first respondent is directed to issue notice to all concerned, including the petitioners and the petitioners are at liberty to submit their objections before the first respondent.

6) With the above direction, the writ petition is disposed of. There shall be no order as to costs.

7) Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.



JUSTICE C. PRAVEEN KUMAR

21.06.2017
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