

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.26736 of 2007

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioners for the following relief:

“To issue a Writ of certiorari calling for the records relating to the order of the 1st respondent in GOMs.No.75, Social Welfare (LTR-2) Department, dated 12-9-2007, made in the Revision Petition preferred by the petitioners against the order of the 2nd respondent made in CMA No. 27 of 1997 dated 04-7-2000 where under the order of the 3rd respondent in L.T.R.P. No. 267 of 1988 dated 30-12-1988 was confirmed and quash them as illegal and arbitrary, and consequently, direct the respondents to drop all further proceedings against the land of the petitioners to an extent of Ac. 3.52 cnts., in Sy.No. 349/P and an extent of Ac.5.08 cnts., in Sy.No.350/1 situated in Jaddangi Village Rajavommangi Mandal, East Godavari District.”

Heard and perused the material available on record.

The case of the petitioners is that they, along with their father, jointly purchased an extent of Acs.8.60 cents of agricultural land in Jaddangi Village under an agreement of sale and they were put in possession of the same on 16.01.1970 and since then, they are in enjoyment of the same. While so, the 3rd respondent passed an ejectment order, dated 30.12.1988, against the petitioners. Challenging the same, the petitioners filed an appeal in CMA No.27/ 1997 before the 2nd respondent and the same was also dismissed. Against the said dismissal order, the petitioners filed revision before the 1st respondent. The said revision petition was dismissed by the Government by an order, dated 12.09.2007. Aggrieved by the same, the present writ petition is filed.

The main grievance of the petitioners is that on the date of hearing, they appeared before the primary authority and sought time for filing the counter, but the primary authority has passed the ejectment order without giving any opportunity to them to file counter.

After arguing for some time, learned counsel for the petitioners confined his arguments only in connection with remanding the matter to the primary authority, who passed the ejectment order against the petitioners without giving them any opportunity, for considering the matter afresh after giving an opportunity to the petitioners to put forth their case.

Considering the circumstances of the case and in view of the submissions of the learned counsel for the petitioners, the writ petition can be disposed of with the following directions:

The matter is remanded to the primary authority with a direction to pass orders afresh, after giving an opportunity to the petitioners. Till passing of the orders afresh by the primary authority, no coercive steps shall be taken against the petitioners.

With the above directions, the Writ Petition is disposed of. No order as to costs. Miscellaneous Petitions, pending if any, shall stand closed.

September 04, 2017

KTL

RAJA ELANGO, J

