

HON'BLE SRI JUSTICE S.V.BHATT

W.P.No.19118 OF 2014

ORDER:

One of the grounds of challenge against the order of respondent No.3 is that the order has been passed without notice and affording opportunity to petitioner herein.

The learned Assistant Government Pleader and 5th respondent are unable to *prima facie* satisfy this Court that procedure was followed before setting aside the order impugned in the appeal. Without getting into this aspect of the matter, the counsel appearing for the contesting parties, to have fair adjudication of their rights, submit that the order of 2nd respondent can be set aside and matter remanded to 2nd respondent for consideration and disposal in accordance with law. The statement is placed on record.

The writ petition is disposed of by this order:

1. Proceedings Rc.No.D2/886/2013 dated 25.06.2014 of District Collector/2nd respondent and Rc.No.224/2012 dated 14.11.2012 of 4th respondent are set aside.
2. The matter is remitted back to appellate authority. The appellate authority is directed to dispose of the appeal within two months from the date of receipt of a copy of this order after providing opportunity to both parties.
3. It is made clear that this Court has not considered the merits of the matter. It is for the recording authority to consider each one of the circumstances and take decision in this behalf.
4. There shall be no order as to costs.

Consequently, miscellaneous petitions, if any pending, stand closed.

15th June, 2017

Lrkm

S.V.BHATT,J

