

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.3219 OF 2017

ORDER:

This writ petition is filed challenging the order dated 28.10.2016 issued by the 4th respondent vide Memo No.G/289/2016, rejecting the application of the petitioner made for mutation of his name in the revenue records in respect of the land admeasuring Ac.1-01 guntas in Sy.No.528/Paiki and Ac.0-06 guntas in Sy.No.528 situated at Tarfa Doutyal, Bodhan, Bodhan Mandal, Nizamabad District.

Learned counsel for the petitioner submits that petitioner is entitled for notice as per Section 5(1) of the Andhra Pradesh Rights in Land and Pattadar Passbooks Act, 1971 (for short 'the Act') before rejecting the application of the petitioner.

Heard the learned Assistant Government Pleader for Revenue.

In this case, no notice was issued to the petitioner before rejecting his application, as such the impugned order is liable to be set aside on the ground of violation of principles of natural justice. Even otherwise, the reason given for rejection of petitioner's application is to approach the appropriate Court. There is no basis to come to such conclusion. Even on that account the impugned order is liable to be set aside.

In view of the above facts and circumstances, the impugned order dated 28.10.2016 is set aside and the 4th respondent is directed to consider the application of the

petitioner after issuing notice to the petitioner and pass appropriate orders after giving an opportunity of hearing to the petitioner.

With the above direction, the writ petition is allowed to the extent indicated above. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

15.02.2017
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