

HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

W.P.No.12843 of 2014

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue appearing for respondent Nos.1 and 2.

2. This Writ Petition has been filed by the petitioner challenging the order dt.14-02-2014 of the 2nd respondent in Appeal No.F2/03/2014, F2/1A-16/2001.

3. The said appeal was filed under the A.P. (Telangana Area) Abolition of Inams Act, 1955 by respondent Nos.3 to 5 against respondent Nos.6 to 8 challenging the orders of the Revenue Divisional Officer, Mahabubnagar in File No.K/884/1990 dt.12-03-2001 in respect of Ac.17-05 gts in Sy. No.809 of Gangapoor village of Jadcherla Mandal.

4. Petitioner filed application seeking impleadment in the said appeal. It was allowed on 25-01-2014 in proceedings No.F2/1A-16/2001 by 2nd respondent. The said order revealed that the matter was then posted to 22-02-2014 for regular hearing.

5. However on 14-02-2014 itself, much before 22-02-2014, without hearing the petitioner, the delay of five months eighteen days in filing appeal was condoned by the 2nd respondent. No reason is assigned by the 2nd respondent why he preponed hearing of appeal

after informing the petitioner that the appeal would be heard on 22-02-2014. Thus there is clear violation of principles of natural justice since 2nd respondent was bound to hear the petitioner before he passed the any order condoning the said delay in the filing of the appeal at the instance of respondent Nos.3 to 5.

6. Though learned counsel for the respondent Nos.3 to 5 stated that he has just entered appearance and needs time to file counter, I am of the opinion that no useful purpose would be served in that regard. It is for the 2nd respondent to explain under what circumstances he preponed the hearing of the delay condonation application in the appeal. In that regard, learned Government Pleader for Revenue could not give any convincing reason.

7. Therefore, the Writ Petition is allowed, the order dt.14-02-2014 in Appeal No.F2/03/2014 is set aside and the matter is remitted back to 2nd respondent to hear the petitioner as well as respondent Nos.6 to 8 on the aspect of condonation of delay in filing the appeal by respondent Nos.3 to 5 after issuing notice to petitioner as well as respondent Nos.3 to 8. This exercise shall be completed within three months from the date of receipt of a copy of this order. No costs.

8. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 27-04-2016
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