

HON'BLE SRI JUSTICE S.V.BHATT

W.P.No.29550 OF 2014

ORDER:

One of the grounds of challenge against the order of respondent No.2 is that the order has been passed without notice and affording opportunity to petitioner herein.

The learned Assistant Government Pleader and respondents 5 to 7 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 3rd respondent can be set aside and matter remanded to 3rd 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. Orders in Case No.A2/1584/2013 dated 06.06.2014 of the Revenue Divisional Officer/3rd respondent and No.B/3206/2012 dated 01.02.2013 of Tahsildar/4th respondent are set aside.
2. The matter is remitted back to 4th respondent for consideration and disposal in accordance with law within a period of three months from the date of receipt of a copy of this order.
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.

S.V.BHATT,J

15th June, 2017

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