

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.11398 of 2008

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioner seeking to declare the action of the 1st respondent in initiating proceedings under the provisions of A.P. Scheduled Areas Land Transfer Regulation 1/1959 as amended by Regulation 1//1970 in LTR case No.115/2007/KGM for the second time and issuance of order, dated 8.11.2007, in respect of the petitioner's land admeasuring Acs.0.33 gts., in Sy.No.1313 (renumbered as 131/AA by the revenue authorities) situated at Chunchupalli village, Kothagudem Mandal, Khammam District, as illegal and arbitrary, and consequently, set aside the same.

The case of the petitioner is that he along with some others purchased the subject land jointly in the year 1971 and got it registered vide document No.219/4/71. Since then, the petitioner is in peaceful possession and enjoyment of the said land. While so, the 1st respondent had taken up proceedings in LTR Case Nos.115/2007 by showing one Sowjamma, and issued notice to the petitioner to appear for hearing. Then the petitioner filed his explanation and also submitted detailed written arguments. Thereafter, the petitioner requested time to produce the pahani extracts. But, the 1st respondent has passed the impugned order without assigning any reasons and providing any opportunity to the petitioner to put forth his case.

The main grievance of the petitioner is that the order passed by the authorities, which is under challenge, does not disclose the real facts and further, though the petitioner submitted written arguments before the authorities and also requested time to produce the relevant

documents, the order discloses as if the petitioner has failed to appear and produce any documents before the authorities and the said order is cryptic in nature.

Heard and perused the material available on record.

Considering the said facts and circumstances and also the grievance of the petitioner, this Court is of the view that the matter can be remanded to the authority concerned to pass orders afresh.

Accordingly, the writ petition is allowed and the order under challenge is set aside. The matter is remanded to the 1st respondent to pass orders afresh, after issuing notice to the petitioner and also after giving an opportunity to him to put forth his case.

No order as to costs. Miscellaneous Petitions, pending if any, shall stand closed.

September 08, 2017

KTL

RAJA ELANGO, J

