

HON'BLE SRI JUSTICE S.V. BHATT

W.P.No.18113 OF 2017

ORDER:

Heard Mr.T.Surya Satish for petitioners and the learned Government Pleader (Revenue) for respondents.

At request of respondents on 07.06.2017, time was granted for production of record in proceedings No.B/80/2017 dated 25.04.2017. The 2nd respondent is present in Court and has produced the record for perusal. The learned Government Pleader (Revenue), after going through the record and also on the instructions of the officer present in Court, fairly states that the order impugned in the writ petition from the stage of initiating action till the same is concluded through the proceeding dated 25.04.2017 does not stand to judicial scrutiny. The proceedings impugned in the writ petition read as follows:

“But it is brought to the notice of this office that, the Assignees has failed to develop the above land and brought into the cultivation till date. The same facts also reported by the Mandal Revenue Inspector-I, Sircilla and Village Revenue Officer, Siricilla vide reference 3rd read above. Thus he has violated the condition laid down under para VI (iii) of G.O.Ms.No.1406 dt.25.07.1958.

Hence, the assignees in the show cause notice issued in the reference 4th read above has been called upon to explain as to why the land assigned to them should not be resumed back into Govt. custody for violation of condition within (15) days from the date of receipt of the notice, failing which further action will be taken as per rules. The said notices was served to the above assignees.

The reply given by the assignees are not satisfactory, for which it cannot be considered.

In view of the above, and in terms of Govt. orders in the reference 2nd read above, the land which was assigned to

an extent of Ac.(102-26) acres is hereby resumed back into Govt.custody”.

Apart from the statement made by the learned Government Pleader, from the operative portion excerpted above, it is evident that the 2nd respondent, without applying his mind to the issue on hand i.e., following the procedure of issuing notice, receiving explanation, affording opportunity, verifying the necessity to recall the assignment or not, has passed the order impugned in the writ petition. Normally, this Court does not consider the grievance, if remedy by way of appeal is provided to the higher authorities, against the order impugned. The case on hand stands on a different footing for the reason excerpted above. Hence, the proceedings impugned in the writ petition are set aside. The 2nd respondent/Tahsildar to re-examine the necessity of issuing notice in each one of the cases, verify date of assignment and whether he is, at this length of time, empowered to issue notice or not and, as a matter of fact, if circumstances subsist for issuing notice, then he is free to proceed in accordance with law.

The writ petition is ordered as indicated above. There shall be no order as to costs.

Consequently, pending miscellaneous petitions, if any, also stand disposed of.

S.V.BHATT, J

12th June, 2017

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