

HON'BLE SRI JUSTICE S.V. BHATT

W.P.No.37292 OF 2014

ORDER:

Heard Mr.P.Lakshma Reddy for petitioner, the Assistant Government Pleader (Revenue) for respondents 1 to 4 and Mr.V.Ravi Kiran Rao for 5<sup>th</sup> respondent.

The petitioner challenges order of Revenue Divisional Officer, Mancheri, Adilabad District/3<sup>rd</sup> respondent in appeal case No.G/745/2004 dated 28.06.2014, as illegal, arbitrary and violative of principles of natural justice.

Mr.P.Lakshma Reddy challenges the order impugned in the writ petition as passed without notice to the petitioner herein and the same is liable to be set aside.

On 18.12.2014, this Court passed the following order:

"Notice before admission returnable in four weeks.

The learned counsel for the petitioner is permitted to take out notice on the respondents by registered post with acknowledgement due and file proof of service by the next date of hearing.

The learned Assistant Government Pleader for Revenue, State of Telangana, has produced the necessary record from the Revenue Divisional Officer, Mancheri. The hearing is slated on 24.05.2014, but the Revenue Administrative Officer, who has signed those proceedings has noted the date as 24.03.2014, at the place where the date of hearing is to be noted as 24.05.2014. One is left wondering whether the Revenue Divisional Officer has authorized the Revenue Administrative Officer to alter the date of hearing to 24.03.2014.

Normally, a notice served on the same day fixing the date of hearing cannot be appreciated. Further,

the notice itself is dispatched on 28.03.2014 as is made out from the dispatch entry.

The Revenue Divisional Officer is directed to respond to these observations in his reply.

Registry is directed to communicate a copy of this order to the respondents forthwith and list this matter for consideration after four weeks.

Status quo granted earlier on 04.12.2014 shall continue".

Mr.Ravi Kiran Rao, after taking note of the dates referred in the order impugned in the writ petition and also that the 3<sup>rd</sup> respondent could not produce the record, fairly submits that the order impugned in the writ petition can be set aside and matter remitted to 3<sup>rd</sup> respondent for consideration and disposal in accordance with law.

The statement is placed on record and with the consent of learned counsel, the writ petition is ordered as follows:

- (a) the impugned order is set aside;
- (b) matter is remitted to 3<sup>rd</sup> respondent for consideration of appeal case No.G/745/2004 dated 28.06.2014 afresh in accordance with law; and
- (c) the 3<sup>rd</sup> respondent considers and disposes of appeal case No.G/745/2004 dated 28.06.2014 within three months from the date of receipt of a copy of this order after giving opportunity to contesting parties.

There shall be no order as to costs.

Consequently, pending miscellaneous petitions stand closed.

S.V.BHATT, J

27<sup>th</sup> July, 2017  
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