

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

Writ Petition No. 34152 OF 2016

ORDER:

This writ petition is filed by the petitioners challenging the proceedings No.B1/1863/2016, dated 08.08.2016 issued by the 2nd respondent.

It is the case of the petitioners that without notice to the petitioners, the 2nd respondent passed impugned orders dated 08.08.2016 incorporating the name of the 3rd respondent in revenue records to the extent of 1/4th share in respect of the subject lands in the writ petition, which is in violation of principles of natural justice. He submits that the 2nd respondent cannot decide the right, title and interest of the parties and decide the civil suit.

On the other hand learned counsel appearing for the 3rd respondent submits that though the 3rd respondent is one of the sisters of the petitioners, she is entitled for 1/4th share in the subject lands. But without notice to her, the names of only petitioners were recorded in revenue records. Though the subject land belongs to the petitioners' father, she is very much entitled for share in the properties of her father.

A perusal of the impugned order goes to show that no notice was issued either to the petitioners or to the 3rd respondent.

In view of above, without expressing any opinion on the merits of the case, only on the ground of violation of principles of natural justice that no notice was given before passing the impugned order dated 08.08.2016 the same is liable to be set aside and accordingly set aside. However, the 2nd respondent shall

dispose of the application of the 3rd respondent after issuing notice to the petitioners and 3rd respondent and after affording an opportunity of hearing, pass orders in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. It is for the petitioners and 3rd respondent to raise all the objections which were raised herein and that same shall be dealt with by the 2nd respondent.

Accordingly, this writ petition is allowed. There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending shall stand dismissed.

17-02-2017
kvs



A.RAJASHEKER REDDY,J

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