

HON'BLE SRI JUSTICE S.V. BHATT

Writ Petition No.24514 of 2017

ORDER:

At request of the Assistant Government Pleader (Revenue), the writ petition has been directed to be taken up today for admission.

2. The Assistant Government Pleader has received instructions from the 4<sup>th</sup> respondent. As per the instructions, the subject matter of the writ petition is assigned land and the petitioner is in possession of the assigned land, contrary to assignment conditions and Act 9 of 1977. According to him, notices were already issued and action will be taken in accordance with law.

3. Mr. Ramana Allu appearing for petitioner contends that following the procedure does not mean perfunctory adherence to requirements of law. The procedure said to have been followed by 3<sup>rd</sup> respondent at any given point of time must substantially satisfy the requirements of the procedure so that the rights of parties by participating in such enquiry are not adversely affected.

4. On the defective issue of notices, he relied upon the decision in '*Sudalagunta Sugars Limited vs. Joint Collector, Chittoor*<sup>1</sup>'. He draws the attention of the court to the notice issued in Form II dated 26.02.2016. Keeping in view of the ratio laid down by this court in the above decision and also to avoid delay or irregularity in the conduct of enquiry, learned Assistant Government Pleader consents to set aside the notice dated 26.02.2016 and give liberty to 4<sup>th</sup> respondent to strictly proceed in accordance with law. The statement is placed on record. The notice dated 26.02.2016 is set aside, as illegal and the 4<sup>th</sup> respondent is

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<sup>1</sup> 2017(1) ALT 499

given liberty, if circumstances warrant, to proceed against the alleged possession and enjoyment of the petitioner, contrary to breach of Assignment conditions and Act 9 of 1977. The possession of the petitioner, it is needless to observe, cannot and could not be disturbed in the interregnum.

5. The writ petition is ordered accordingly. No order as to costs. Pending miscellaneous petitions if any in this writ petition shall stand dismissed in consequence.

Date: 26.07.2017  
BSS

S.V. BHATT, J



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