

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.30343 OF 2017

Date: 12.09.2017

Between:

M/s Himalaya Beverages, a Registered Partnership Firm,
rep.by its Partner, Mohammed Akbar Pasha, s/o. Azeemuddin,
Aged about 38 years, R/o. 3-6-238, Krishnanagar, Road No.3,
Meerpet, Moulali, Hyderabad.

.....Petitioner

and

The District Collector, Medchal – Malkajgiri District,
State of Telangana at Keesara and others.

.....Respondents



The Court made the following:

HONOURABLE SRI JUSTICE P.NAVEEN RAO

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ORDER:

Petitioner challenges the order passed by the District Collector, Medchal district, at interlocutory stage, pending appeal preferred by the respondents 6 & 7. By the said order impugned in the writ petition, while directing the appeal to be taken up on 22.09.2017 at 11.00 A.M., Tahsildar was directed to seize the Bore-well on the ground that petitioner did not appear on the date fixed.

2. Learned senior counsel contended that notice dated 05.08.2017 was not sent to the petitioner and no notice was served about the date fixed for hearing and, therefore, there is no occasion for petitioner to ignore the notice sent for his appearance. Elaborate submissions are made on various issues concerning the issue by counsel appearing for parties. However, during the course of hearing, both counsel agree that if the date of hearing of the appeal is advanced to a date earlier to 22.09.2017 and matter is heard would suffice interest of both parties at this stage, however, leaving open to the parties to raise all other contentions as urged in this writ petition.

3. Having regard to the said submissions, without going into the merits of the contentions raised herein, leaving it open to the petitioner as well as respondents 6 and 7 to raise all the contentions as available in law to them before the District Collector, Writ Petition is disposed of within the following directions:

The District Collector is directed to advance the date of hearing to 18.09.2017 at 11.00 a.m. On the said date, he shall hear the parties. Petitioner and respondents 6 and 7 shall appear on that day without waiting for any further notice from the District Collector, to make their submissions. On due consideration of the respective submissions shall pass orders as warranted by law within two weeks thereafter. Till a decision is made by the District Collector on the appeal, the petitioner is permitted to draw the water as was granted earlier.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

JUSTICE P.NAVEEN RAO

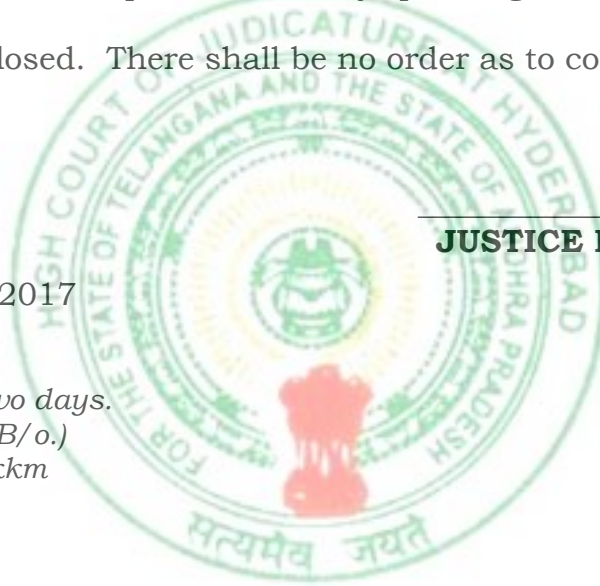
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Note:

Issue CC in two days.

(B/o.)

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