

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.40793 of 2016

ORDER:

Heard learned counsel for the petitioner, learned Government Pleader for Social Welfare for respondent Nos. 1 and 2, learned Government Pleader for Revenue for respondent No.3 and learned counsel for respondent No.7.

In spite of service of notice on respondent Nos.4 and 6, none appeared.

This writ petition was filed challenging the proceedings, dated 07.10.2016, issued by respondent No.2-Special Deputy Collector (TW), Adilabad District in Case No.TWA1/158/2016 for resuming the petitioner's land admeasuring Acs.2.10 guntas in Survey No.350/2/4 situated at Mandamarri Town and Mandal, Adilabad District, pending another Case No.TWA1/159/2016 between the same parties.

Petitioner claims that he is the owner of the above said land having purchased the same by his father under sada sale deed, dated 23.02.1968. The vendor is none other than the father of respondent No.7. The father of the petitioner died on 24.04.2015 leaving behind him, his mother, six brothers and three sisters. In the family partition, the said property fell to the share of the petitioner. It appears that respondent Nos.4 to 6 lodged complaints before various authorities, including respondent No.2, who in turn, registered two cases *vide* No.TWA1/158/2016 and TWA1/159/2016. The petitioner states that he engaged an Advocate and that he filed a copy of the sada sale deed, dated 23.02.1968, under which his

father purchased the said property. He filed a counter on 07.10.2017 and thereafter, without adjourning the matter and intimating the petitioner, when Case No.TWA1/159/2016 is pending, an order was passed by respondent No.2 on 07.10.2016 in Case No.TWA1/158/2016. Challenging the same, the present writ petition was filed.

It is not disputed by the learned Government Pleaders as well as learned counsel for respondent No.7 that the aforesaid two cases are pending in respect of the same property and the order impugned was passed only in respect of one case.

Learned counsel for the petitioner submits that the order impugned was passed without affording any opportunity to the petitioner.

In the circumstances and in view of pendency of Case No.TWA1/159/2016, the order, dated 07.10.2016, passed by respondent No.2 in Case No.TWA1/158/2016 is set aside and the matter is remanded to respondent No.2 for fresh consideration. Respondent No.2 shall hear both the cases together and pass appropriate orders after giving opportunity to the parties.

The writ petition is accordingly allowed.

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

A.RAMALINGESWARA RAO,J

Dt:23.03.2017

kdl

