

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.6413 OF 2017

ORDER:

The case of the petitioner is that she was issued show cause notice dated 26.11.2016 vide proceedings No.E3/3039/16, to attend the enquiry on 06.12.2016. Thereafter, petitioner engaged an advocate and the advocate filed Vakalat and sought time for filing explanation. But, without hearing the same, the respondents passed the impugned order dated 08.12.2016.

Learned counsel for the petitioner submits that without giving sufficient time and affording opportunity of hearing to defend her case, the impugned order is passed.

Heard learned Assistant Government Pleader for Revenue.

Notice dated 26.11.2016 goes to show that enquiry was posted on 06.12.2016 and the impugned order is passed on 08.12.2016 which goes to show that without giving sufficient time the impugned order is passed. Only on that ground, the impugned order is liable to be set aside.

Accordingly, the impugned order dated 08.12.2016 is set aside and it is open for the petitioner to file explanation within three weeks from today. On such explanation being filed by the petitioner, the 3rd respondent is directed to

consider the same and pass order, in accordance with law, after affording opportunity of hearing to the petitioner. Till passing of orders by the 3rd respondent, the petitioner shall not be dispossessed from the subject land. If petitioner fails to submit explanation within three weeks, it is open for the 3rd respondent to pass appropriate orders on merits.

The writ petition is allowed to the extent indicated above. No order as to costs.

As a sequel thereto, miscellaneous applications, if any, pending, shall stand closed.

23.02.2017
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A.RAJASHEKER REDDY, J