

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.13496 OF 2017

ORDER:

This writ petition is filed challenging the impugned endorsement dated 01.12.2016 vide Rc.No.240/2015/SA issued by the 3rd respondent rejecting the application of the petitioner made for mutation of his name in the revenue records in respect of the land admeasuring Ac.11.68 cents in Sy.No.81/1 of Lakshmipuram Village, Pendurther Mandal, Visakhapatnam District.

Learned counsel for the petitioner submits that without issuing notice to the petitioner as envisaged under Section 5(1) of the A.P.Rights in Land and Pattadar Passbooks Act, 1971 (for short 'the Act'), the impugned endorsement is issued.

Heard Sri P.Venkata Ramana, learned counsel for the respondents 6 and 7 and the learned Assistant Government Pleader for Revenue.

A perusal of the impugned endorsement goes to show that the no notice was issued to the petitioner before issuance of impugned endorsement. As per Section 5(1) of the Act, notice shall be issued before refusal of the application filed by the petitioner.

In view of the above facts and circumstances, only on the ground of violation of principles of natural justice, the impugned endorsement dated 01.12.2016 is set aside and 3rd respondent is directed to dispose of application of petitioners

after issuing notices and affording an opportunity of hearing to both the petitioner as well as unofficial respondents. The unofficial respondents can raise all the objections raised herein before the 3rd respondent and the 3rd respondent is obligated to consider the same before passing the orders.

Accordingly, the writ petition is allowed to the extent indicated above. No costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

24.04.2017
dv



A.RAJASHEKER REDDY, J