

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.3827 OF 2017

ORDER:

The writ petition is filed questioning the action of the 1st respondent in vacating the stay granted on 07.12.2013, by its Memo No.26322/11/2013-3, dated 20.01.2017.

The ground on which the challenge is made that though the stay was granted as far back as on 07.12.2013, no notice was issued to the petitioner before vacating the stay order which was granted in the year 2013.

The learned counsel for the 3rd respondent submits that the petitioner owes a huge amount of about Rs.3.35 crores and only an amount of Rs.25,23,000/- has been paid. In the circumstances, learned counsel for the 3rd respondent submits that the petitioner may be directed to pay atleast a part of the amount. Learned counsel for the 1st respondent submits that the matter may be disposed of directing the 1st respondent to pass orders afresh.

Having considered the respective submissions and there being no dispute about the facts particularly the stay of the order dated 29.10.2013 having been issued as far back as on 07.12.2013 and there being no dispute that the order dated 20.01.2017, issued by the first respondent was made without notice to the petitioner at whose instance the stay was granted on 07.12.2013, the Memo dated 20.01.2017, is liable to be set aside on the ground that there is violation of the principles of natural justice.

In that view of the matter, the Memo No.26322/11/2013-3, dated 20.01.2017, issued by the 1st respondent, is set aside giving liberty to the 1st respondent, to consider the same and pass orders afresh after issuing the notice to the respective parties, within a period of three weeks from the date of receipt of copy of the order.

With the above observations, the writ petition is disposed of. No order as to costs.

Miscellaneous Petitions, if any, in this writ petition shall stand closed.

Date:20.02.2017,
Gk.



CHALLA KODANDA RAM,J

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM



WRIT PETITION No.3827 OF 2017

20.02.2017

Gk