

HON' BLE SRI JUSTICE S. V. BHATT

Writ Petition No.22701 of 2017

ORDER:

The petitioner on twin objections, challenges the notice impugned in the writ petition.

2. Learned counsel for petitioner places strong reliance upon the stand taken in the affidavit *prima-facie* to show that the mistake of fact is assumed for issuing notice and that the 2nd respondent, without affording fair and reasonable opportunity, is recalling the assignment made in favour of petitioner's husband through DKT Patta No.200/ 4/ 1392. On the complaint of not affording fair and reasonable opportunity, petitioner submits that in the hearing held on 01.07.2017, petitioner personally appeared before 2nd respondent and requested for engaging the services of a lawyer, however, by flatly refusing such request, the case was reserved for orders.

3. The Assistant Government Pleader (Assignment) submits that once a notice is issued, the grievance now made out in the writ petition is a convenient plea and 2nd respondent would afford fair and reasonable opportunity to petitioner.

4. As it is brought to the notice of the court that on 01.07.2017 the enquiry in Roc No.E4/ 804/ 2017 has been closed, without expressing any opinion but to afford opportunity to the petitioner, the writ petition is disposed of by this order.

a) The petitioner is given two weeks time from today to file reply/representation together with all documents on which the petitioner relies upon;

- b) The 2nd respondent affords reasonable opportunity to petitioner, examines the documents and reply filed by the petitioner and passes orders as are deem it fit and appropriate or warrant in the circumstances of the case;
- c) The possession of petitioner shall not be disturbed during the pendency of the enquiry and till an order is passed and communicated to petitioner;
- d) The petitioner, if finally aggrieved can certainly workout remedies available against the order of 2nd respondent.

No order as to costs. Pending miscellaneous petitions if any in this writ petition shall stand dismissed in consequence.

Date: 27.07.2017
Note: Furnish CC in two days.
(BO)
BSS



S.V.BHATT, J

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URGENT

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Date: 27.07.2017

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