

**THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN**

**AND**

**THE HON'BLE SMT JUSTICE T.RAJANI**

**Writ Appeal No.448 of 2017**

**JUDGMENT:** (Per the Hon'ble the Acting Chief Justice Ramesh Ranganathan)

The complaint of the learned Government Pleader for Revenue, appearing on behalf of the appellants, is that the writ petition was allowed at the stage of admission, without the appellants herein (respondents in the writ petition) being given an opportunity to file their counter-affidavit. Learned Government Pleader would submit that, while the writ petition was initially adjourned to enable him to obtain instructions, the Learned Single Judge had, in the order under appeal, found the instructions insufficient and has allowed the writ petition without the appellant-respondents being given an opportunity of filing their counter-affidavit.

While we were initially inclined to set aside the order under appeal, and restore the writ petition to file, to enable the appellant-respondents to file their counter-affidavits within a specified time frame, Sri S.D.Gowd, learned counsel for the respondent-writ petitioner, would submit that it would suffice if the respondent-writ petitioner is permitted to file a representation to the District Collector, Anantapuram raising all contentions, as were urged before the Learned Single Judge, and the District Collector is directed to consider the same and take action in accordance with law. Learned Government Pleader for Revenue would readily agree for such an order to be passed.

We consider it appropriate, therefore, to set aside the order under appeal permitting the respondent-writ petitioner to file a representation before the 2<sup>nd</sup> appellant herein within one week from today. The 2<sup>nd</sup> appellant herein shall consider the respondent-writ petitioner's representation in accordance with law at the earliest and, in any event,

within three months from the date of receipt thereof, and communicate his decision to the respondent-writ petitioner.

The Writ Appeal stands disposed of accordingly. Miscellaneous Petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

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**(RAMESH RANGANATHAN, ACJ)**

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**(T.RAJANI, J)**

27<sup>th</sup> July, 2017

**Note: Issue C.C. in two days.**

JSU



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**Date: 27.07.2017**

**JSU**