

HON'BLE SRI JUSTICE S.V. BHATT

Writ Petition No.24591 of 2017

ORDER:

Heard Sri J.M.Naidu for petitioner and the Assistant Government Pleader for Assignment.

The 2nd respondent has issued notice impugned in the writ petition to recall assignment made through DKT No.991/4/1380 in favour of one N.Gangaiah. According to notice, there is a mistake of fact and identity in considering and granting assignment in favour of N.Gangaiah, a political sufferer.

The petitioner claims to be a purchaser of Ac.5-91 cents in Sy.No.58 of Boddiredigaripalli Village, Pulicherla Mandal, Chittoor District, from one N.Gangaiah. According to him, the notice issued on mistake of fact is without jurisdiction and illegal. It is further stated that the notice is issued in the name of a dead person and there is threat or likelihood of respondents dispossessing the petitioner, who is a bonafide purchaser for valid consideration, firstly without receiving objections/explanation from the petitioner, who has subsisting interest in the property and secondly, not considering the same in right perspective and thirdly, dispossessing the petitioner without communicating the order.

The submission of Sri J.M.Naidu is adverted to for steps are initiated without issuing notice to a person in possession of the property. Therefore, by reference to such proceeding as well as without hearing the petitioner, if any order is passed, the petitioner i.e., Sri K.Venkatrami Reddy will be put to irreparable loss and injury.

Hence, keeping in view the above submission, the writ petition is disposed of by this order with the consent of learned counsel appearing for parties.

(a) The petitioner is given four weeks time from the date of receipt of a copy of this order to file objections/explanation against the notice impugned in the writ petition by enclosing a copy of this order.

(b) The 2nd respondent takes steps for impleading Sri K.Venkatrami Reddy as one of the parties to the ongoing enquiry.

(c) The objections filed by the petitioner are considered including the documents on which the 2nd respondent is relying upon and opportunity is given to petitioner.

(d) The possession of petitioner is not disturbed or interfered with during pendency of enquiry and also till an order is passed and communicated.

Miscellaneous petitions, if any, pending, shall stand closed.

No order as to costs.

S.V.BHATT, J

Date: 25.07.2017
Prv

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25-07-2017

Prv