

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.3223 OF 2012

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking the following relief:-

“to issue a writ or direction preferably writ of mandamus declaring the order issued by the 1st respondent in G.O.Ms.No.3 dt:30.1.2012 confirming the order passed in C.M.A.No.2/09 dt:2.1.2010 by the 2nd respondent are illegal, arbitrary and violative of principles of natural justice and consequently set aside those proceedings.”

2. When the matter is taken up for hearing, it is informed by the learned counsel for the petitioner as well as respondent No.5 that there are some disputed facts regarding the order, dated 01.05.1995, passed by the Special Deputy Collector (TW), Paloncha in LTR Case No.1044/94/PNK and the order, dated 14.05.2008, passed by the Special Deputy Collector (TW), Bhadrachalam in LTR Case No.51/2008/PNK at the first instance and also the subsequent orders passed by the authorities concerned and hence, they fairly conceded that the matter can be decided afresh by the primary authorities after giving an opportunity of hearing to the petitioner as well as respondent No.5.

3. Considering all the facts and circumstances of the case and taking into consideration the aforesaid submissions of both the counsel, the orders, which are under challenge before this Court, as well as the orders, which are under challenge in C.M.A.No.2 of 2009 before respondent No.2, are hereby set aside. The primary

authorities are hereby directed to consider the matter afresh and pass orders after giving an opportunity of hearing to all the parties concerned.

4. With the above directions, this Writ Petition is disposed of. There shall be no order as to costs.

5. Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE RAJA ELANGO

Date: 22.8.2017
AMD



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