

**THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE MS. JUSTICE J. UMA DEVI**

Writ Appeal No.1345 of 2017

JUDGMENT: (per Hon'ble the Acting Chief Justice Sri Ramesh Ranganathan)

Admittedly, the 6th respondent in the Writ Petition was neither put on notice nor were they given an opportunity of being heard before the impugned order came to be passed. As a result of the order under appeal, the respondent-writ petitioners' entitlement for the benefit of the reservoir, under the Government of Andhra Pradesh Resettlement and Rehabilitation Policy, 2005, is required to be considered.

Sri D.L.Pandu, Learned Counsel for the appellant-6th respondent, would submit that the 6th respondent-Society consists of 146 members who are all dependent, for their livelihood, on the fish in the subject reservoir; and granting the respondent-writ petitioners' fishing rights in the reservoir would result in deprivation of the livelihood of the members of the appellant-6th respondent-Society.

Sri Arjun Kumar, Learned Counsel for the respondent-writ petitioners, put forth his submissions on merits. When we asked him whether the appellant-6th respondent-Society was put on notice, Learned Counsel would fairly state that the Writ Petition was disposed of at the stage of admission.

It is not in dispute that the appellant-6th respondent-Society was not given an opportunity of being heard before the order under appeal came to be passed. The said order, which affects the rights of the appellant-6th respondent-Society, could not have been passed without giving them an opportunity of being heard. The order under appeal is, therefore, set aside and the Writ Petition is restored to file. The appellant-6th respondent shall file its counter-affidavit in the Writ Petition within two weeks from today. It is open to Sri Arjun Kumar,

Learned Counsel for the respondent-writ petitioners, to request the Learned Single Judge to take up the Writ Petition for admission any time after two weeks.

The Writ Appeal is, accordingly, disposed of. The miscellaneous petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

RAMESH RANGANATHAN, ACJ

J. UMA DEVI, J.

Date:19.09.2017.
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