

HON' BLE SRI JUSTICE S. V. BHATT

Writ Petition No.21332 of 2017

ORDER:

The petitioner challenges the proceedings No.A/ 131/ 2016 dated 15.02.2016 as illegal and arbitrary.

2. The principal objection against the proceeding impugned in the writ petition is that the 2nd respondent on the report submitted by Mandal Revenue Inspector and without putting the petitioner on notice, assuming every circumstance against the petitioner, cancelled the allotment of Plot No.267.

3. The prejudice suffered by petitioner with non-service of notice is demonstrated by relying upon Ex.P.9 photographs, which *prima-facie* show existence of a Mangalore tiled house in the plot said to have been assigned to the petitioner. Further, whether the petitioner is put on notice or not is ascertained by the tenor of the order impugned in the writ petition. The order does not refer to issuing notice or affording opportunity to petitioner. The petitioner has made out *prima-facie* case.

4. Having regard to inherent defect in the order, learned Assistant Government Pleader submits that leave can be granted to 2nd respondent, if circumstances warrant, to issue notice and proceed in accordance with law.

5. The order impugned in the writ petition is set aside. However, 2nd respondent uses judicious discretion and thereafter, if circumstances warrant, initiates action in accordance with law, affords opportunity to petitioner and then passes an order.

6. The writ petition is ordered accordingly. No order as to costs.
Pending miscellaneous petitions if any in this writ petition shall stand dismissed in consequence.

Date: 30.06.2017
BSS

S.V.BHATT, J



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Date: 30.06.2017

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