

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.45349 OF 2016

ORDER:

The case of the petitioner is that the petitioner was assigned land to an extent of Ac.3.38 guntas in Survey No.862 in Khanapur Village, Warangal District and he is cultivating the same with the assistance of his son Uppugallu Ramana Reddy and his grandson Nandyala Vinay Reddy. Except taking the physical assistance from his blood relations, the petitioner has never alienated the said land in contrary to the law. While so, the petitioner received a show cause notice dated 21.11.2016 from the 3rd respondent on 26.11.2016, wherein the petitioner was asked to submit explanation within fifteen days as to why the assignment granted to him should not be cancelled and resumed to the Government. Thereafter, the petitioner has filed explanation through registered post on 09.12.2016. But, the respondent authorities passed the impugned order on 09.12.2016 itself without considering the representation of the petitioner which is in violation of principles of natural justice. Aggrieved by the same, present writ petition is filed.

Heard learned counsel for the petitioner.

Learned Assistant Government Pleader for Revenue submits that possession has already been taken.

The aspect of receiving notice by the petitioner on 26.11.2016 is not disputed. When once 15 days time is granted to the petitioner to submit his explanation, petitioner has time till 12.12.2016 for submitting explanation. But, surprisingly, the respondents passed the impugned order on 09.12.2016 itself, which is within the time of fifteen days from the date of service of notice on the petitioner on 26.11.2016. It goes to show that though the petitioner sent explanation by registered post within the stipulated time the respondents passed impugned orders without waiting for the petitioner's explanation. In view of the same, the impugned order is liable to be set aside.

Accordingly, the writ petition is allowed setting aside the impugned order dated 09.12.2016 and the authorities are directed to restore the possession to the petitioner. However, petitioner is permitted to file explanation within three weeks from today and on such explanation the 3rd respondent may pass order after giving opportunity of hearing to the petitioner. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

19.01.2017
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