

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

W.P.No.38995 of 2017

ORDER :

Heard the learned counsel for the petitioner, learned Government Pleader for Revenue for respondent Nos.1 to 4 and Sri Palle Sriharinath, learned counsel for 5th respondent.

2. Petitioner is challenging the action of 4th respondent in mutating the name of 5th respondent in revenue records in respect of the subject land on the ground that no prior notice was issued to the petitioner in that regard.

3. Learned Government Pleader for Revenue appearing for respondent Nos.1 to 4 states that on 11-10-2017, an order has been passed mutating the name of 5th respondent by deleting the name of the petitioner. When the learned Government Pleader was asked whether any notice was served on the petitioner before passing the said order, he states that the said notice has not been personally served on the petitioner though copy of the same is affixed in the Gram Panchayat office.

4. Since the petitioner is affected by the action of 4th respondent in removing her name from the revenue records, she is entitled to service of notice by 4th respondent before he deletes her name. There is thus a gross miscarriage of justice since principles of natural justice have been violated.

5. Therefore, the proceedings No.B/883/17 dt.11-10-2017 of 4th respondent are set aside; the matter is remitted back to 4th respondent to issue notice to both petitioner and 5th respondent at the addresses mentioned in this order; consider the documents produced by both of them and then pass a reasoned order in accordance with law. This exercise shall be done within eight weeks from today.

6. Accordingly, the Writ Petition is allowed. No costs.

7. As a sequel, miscellaneous petitions pending if any in this Writ Petition, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 28-12-2017
kvr

