

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.40220 of 2017

ORDER:

Heard Mr K.Siddharth Rao, counsel for petitioners and the learned Government Pleader for Home.

The petitioners challenge the proceedings No.REV-CSECOCA(MIS)/33/2017-TAH(SUPTD-C)-KCO dated 01.11.2017, as violative of principles of natural justice and petitioners also question the jurisdiction of 2nd respondent to impose penalty etc.

On 28.11.2017, this Court granted time to learned Government Pleader to get instructions in the matter.

The Government Pleader after perusing the original file submits that there is no material to show that prior to passing of the order impugned in the writ petition, a notice in fact was issued.

This Court is of the view that having regard to the admitted position/deliberation on this contention raised by the petitioners is not warranted.

It is further stated that on 07.11.2017 petitioners have already given explanation to the omissions noticed by the Revenue Divisional Officer/MRO.

The counsel consent to dispose of the writ petition by this order:

- (a) The proceedings No. No.REV-CSECOCA(MIS)/33/2017-TAH(SUPTD-C)-KCO dated 01.11.2017 is directed to be treated as show cause notice and the representation given by petitioners on 07.11.2017 shall be treated as explanation to the impugned notice in the writ petition.
- (b) The 2nd respondent considers the explanation and passes order as are deemed fit within four (04) weeks after affording fair and reasonable opportunity to petitioners.
- (c) Petitioners are also given liberty, if so, advised to file additional reply together with documentary evidence on the omissions pointed out in the report dated 25.10.2012 and 15.12.2012 by enclosing the copy of this order within one (01) week from today. No order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.

S. V. BHATT, J

Dt: 30.11.2017
dv

