

THE HON'BLE SRI JUSTICE P.KESHA VA RAO

WRIT PETITION NO. 12186 OF 2008

ORDER:

Heard the learned counsel for the petitioner and the learned GP appearing for respondent Nos. 1 to 3.

2. The prayer sought in the Writ Petition is as under:

“....to issue such appropriate writ, order or direction to the respondents more particularly one in the nature of mandamus declaring the order of the first respondent dt. 16.5.2008 in Revision Lr. No. 2689/LTR/2/2008 as arbitrary, illegal and in violation of principles of natural justice in deprivation of petitioners right to life and as such violative of Article 14 & 21 of the Constitution of India and consequently set aside the same.”

3. Learned counsel for the petitioner basically contended that respondent No.1, while passing the impugned proceedings has not issued any notice and thereby the principles of natural justice are violated.

4. Per contra, learned GP appearing for respondent Nos. 1 to 3 fairly conceded that the impugned order is not a speaking order and the matter can be remanded for fresh disposal.

5. Having heard both the counsel and from the perusal of the material on record, particularly, the impugned proceedings, it is revealed that there is no reference of issuance of notice or that the petitioner has been heard before passing the impugned orders. In that view of the matter, this Court is inclined to set aside the impugned proceedings.

6. Accordingly, the Writ Petition is allowed by setting aside the impugned proceedings in Lr.No.2689/LTR/2/2008 dated 16.5.2008 remanding the matter back to respondent No.1 for fresh disposal. It

is needless to observe that respondent No.1 shall issue a fresh notice and after giving an opportunity of being heard to the petitioner, dispose of the matter as per law within three months from the date of receipt of a copy of this order.

7. Since the possession of the petitioner over the subject property is protected by virtue of the interim orders passed by this Court on 13.6.2008, the same shall continue till the disposal of the revision by respondent No.5.

Pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

Date: 16.11.2018

KPM



P.KESHA VA RAO,J