

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 7887 of 2007

ORDER:

This writ petition is filed, under Article 226 of the Constitution of India, by the petitioner seeking a writ of mandamus to declare the action of the 1st respondent in issuing proceedings in D.Dis.E4/172/2007, dated 31.03.2007, as illegal and arbitrary. A consequential direction is also sought to set aside the said proceedings.

2. Heard Sri O. Manohar Reddy, learned counsel for the petitioner, and the Government Pleader for Revenue appearing for the respondents.

3. It has been submitted by the learned counsel for the petitioner that the petitioner had submitted an application to the 1st respondent – Collector, Krishna District seeking allotment of Ac.0.02 cents of land to establish canteen, STD booth and photostat center in the Mandal Revenue Office Complex, Unguturu, for eking out her livelihood, as she hails from a poor family and is not in a position to survive. Considering the application of the petitioner, the 1st respondent leased out an extent of Ac.0.02 cents of land in R.S.No.140 in the Mandal Revenue Office Complex, Unguturu on a monthly rent of Rs.500/- vide proceedings dated 21.02.2005. Pursuant thereto, the petitioner established canteen, STD booth and photostat center and she has been running the same without any complaint. While the matters stood

thus, basing on a complaint said to have been lodged by the local M.L.A., the 1st respondent cancelled the lease granted in favour of the petitioner by proceedings dated 31.03.2007, but the 1st respondent has not issued any notice nor conducted any enquiry before canceling the lease granted in favour of the petitioner.

4. It has been contended by the counsel for the petitioner that while admitting the writ petition, this Court granted interim suspension of the impugned order, by an order dated 17.04.2007 and by virtue of the said interim order, the petitioner is still in possession of the leased premises.

5. On the other hand, learned Government Pleader for Revenue appearing for the respondents contends that the 1st respondent had conducted a detailed enquiry and came to a conclusion that the petitioner had sub-let the leased premises in favour of third parties and the petitioner is not residing in Unguturu village, and accordingly, the 1st respondent cancelled the lease granted in favour of the petitioner which does not call for any interference of this Court.

6. A plain reading of the impugned orders dated 31.03.2007 discloses that no opportunity of hearing was given to the petitioner before canceling the lease granted in her favour and the enquiry was also not conducted in her presence. If really the petitioner has violated any of the terms of lease, the respondents are at liberty to take appropriate action against her only after giving an opportunity of

hearing to her. Therefore, ends of justice of would be met, if the petitioner is given an opportunity of hearing.

7. Accordingly, the Writ Petition is allowed and the impugned order is set aside. The respondents are at liberty to pass appropriate orders afresh, after putting the petitioner on notice of hearing, as early as possible.

Consequently, miscellaneous petitions if any pending in the writ petition shall stand closed. There shall be no order as to costs.

27th February, 2018
cbs

ABHINAND KUMAR SHAVILI, J



HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI



Writ Petition No. 7887 of 2007
(allowed)

27th February, 2018

cbs