

HON'BLE DR. JUSTICE B. SIVA SANKARA RAO

WRIT PETITION No.5651 of 2018

ORDER:

Heard learned counsel for the petitioners and Sri Sampath Prabhakar Reddy, learned Standing Counsel for respondents from the oral instructions from the offer to appear and perused the prayer in the writ petition with the supporting affidavit and the impugned order dated 27.01.2018.

It is the contention in support of the prayer in the writ petition from the affidavit averments that the order passed is arbitrary and without jurisdiction and even explanation submitted that is also referred as reference No.6 of the impugned proceedings mentioned in the impugned order as if no explanation submitted itself is sufficient and it is non-application of mind and contrary to the principles of the natural justice and illegal.

As the very order speaks representation of the petitioner dated 12.06.2017 received, however the impugned proceedings says as if no explanation submitted till date of passing of the order dated 27.01.2018 that itself is sufficient to say the impugned order is per se unsustainable.

Thereby the Writ Petition is allowed by setting aside the impugned proceedings with a direction to the 2nd respondent to relegate the matter to the Commissioner to pass appropriate orders after considering the representation of the petitioner dated 12.06.2017 to the show cause notice dated 06.06.2017 preferably within four (04) weeks from the date of receipt of this order. In the meantime, the respondents shall not take any coercive steps.

Consequently, miscellaneous petitions, if any shall stand closed. No costs.

JUSTICE Dr. B.SIVA SANKARA RAO

Date: 21.02.2018
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