

**THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND**

THE HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI

Writ Appeal No. 569 of 2018

Judgment: (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)

Heard Sri T. Rajinikanth Reddy, learned counsel for the appellant, and the learned Government Pleader for Revenue (TG) and, with their consent, the Writ Appeal is disposed of at the stage of admission.

The appellant herein filed the Writ Petition seeking a mandamus declare the action of the Mandal Revenue Officer, Pedda Adisarapalli, Nalgonda District, in seizing the appellant's bore well without notice, as illegal, arbitrary and in violation of the principles of natural justice.

In the order under appeal, the learned Single Judge observed that, in the instant case, a notice was already issued on 3.3.2018 by the Mandal Revenue Officer; and as the appellant-writ petitioner was not granted permission for digging the bore well, principles of administrative law or principles of natural justice were not applicable to a person who has violated the law.

Sri T. Rajinikanth Reddy, learned counsel for the appellant, would point out, not without justification, that, while the proceedings dated 7.3.2018 refers to a notice having been served on 3.3.2018, no such notice was issued to the appellant-writ petitioner. In the light of this specific assertion, we directed the learned Government Pleader for Revenue to obtain instructions. Today, the learned Government Pleader for Revenue would fairly state that, though no notice was served on the appellant-writ petitioner, their inability to serve notice was because the appellant had refused to receive the notice, despite repeated efforts of the authorities concerned to have it served on her.

While Sri T. Rajinikanth Reddy, learned counsel for the appellant, would deny this allegation, it wholly unnecessary for us to dwell on this

aspect, as it would suffice if the impugned order dated 7.3.2018 is treated as a show cause, to which the appellant-writ petitioner shall file her reply within ten days from today. The Mandal Revenue Officer shall, after considering the appellant's reply to the said notice, pass an order afresh and in accordance with law. It is made clear that, in case the appellant-writ petitioner does not submit her reply within the aforesaid period of ten days from today, it is open to the Mandal Revenue Officer to pass an order without awaiting the appellant's reply thereafter. The conclusion of the learned Single Judge that principles of natural justice do not apply to a person who has violated the law, may not be justified in the facts and circumstances of the present case, as the appellant asserts that there was a bore-well in existence even when she purchased the land. The truth or otherwise of this assertion was not examined in the order under appeal in as much as the Writ Petition was dismissed at the stage of admission without giving the respondents an opportunity to rebut these allegations.

The Writ Appeal is, accordingly, disposed of. Miscellaneous Petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

(KONGARA VIJAYA LAKSHMI, J)

11th April, 2018

Note:
Furnish c.c. in two days.
b/o
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Date:11.04.2018

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