

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

WRIT PETITION NO.22572 OF 2005

ORDER:

This writ petition is filed seeking to declare the action of the 1st respondent in passing the awards in favour of the respondents 3 to 5 and the consequential action of the 2nd respondent in seeking to realize the amount covered by the award of the 1st respondent by way of arrears of land revenue by taking steps under section 36 of Revenue Recovery Act, seeking to sell the land of the petitioner's mother after her death without bringing her LRs., on record, as illegal, void and opposed to the principles of natural justice.

2. The petitioner is having agricultural lands and the respondents 3 to 5 served his mother in the process of agricultural operations and also in the operation of tobacco barns curing. The un-official respondents appears to have raised a dispute with respondents 1 and 2, claiming certain amount of wages to be paid to them under Payment of Wages Act,1936. The first respondent entertained the application filed by the respondents 4 and 5 in P.W.Case No.6 of 2001 and the same has been ordered on 30.6.2001 and similarly in P.W.Case No.7 of 2001, dated 30.6.2001 in favour of the un-official respondent No.3 and awarded amounts to be paid accordingly.

3. In pursuance of the implementation of the said orders, the second respondent has issued Form No. 7 under Section 36 of the

Revenue Recovery Act for sale of the agricultural lands by his notification dated 31-08-2005.

4. Heard.

5. Since the nature of works, which have been extracted from respondents 3 and 5 do not attract the provisions of Payment of Wages Act and accordingly, the dispute is not within the scope of the first respondent and he has no jurisdiction to entertain the said dispute. More over, the orders passed by the first respondent are unilateral as the first respondent has not given any opportunity to the petitioners and no proper enquiry has been conducted and there is no evidence placed before the first respondent in support of the claim of the un-official respondents.

6. In view of the above circumstances, the order passed by the first respondent and the consequential notification issued by the second respondent are liable to be set aside.

7. The writ petition is allowed accordingly. No order as to costs. As a sequel, the miscellaneous petitions pending if any shall stand closed.

Date: 13-07-2018
Shr

T.AMARNATH GOUD,J