

HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.20702 of 2018

ORDER:

Heard Mr.V.Brahmaiah Chowdary for petitioner and the Assistant Government Pleader for Revenue.

The petitioner challenges the order under Section 15(2) of WALTA 2002.

One of the objections raised is that the petitioner has not received show-cause notice and, therefore, submission of explanation does not arise. Hence, the instant writ petition is filed complaining that the order impugned in the writ petition is violative of principles of natural justice and *ex-facie* illegal.

Mr.Ravinder Reddy appearing for respondents 1 and 2 submits that the petitioner has effective remedy of appeal and all the grounds available against the order impugned can be canvassed before the appellate authority. He further submits that whether notice is served or not etc., are matters of verification and some time may be granted.

I have heard the learned counsel and perused the order impugned in the writ petition.

A perusal of the order impugned in the writ petition discloses that the order refers to issuing notices to petitioner but is silent on the date on which the notices are served etc.

From the averments in the writ affidavit, it is clear that the petitioner infact has substantive pleas to be urged against the

show-cause notices dated 30.01.2017 and 03.01.2018. The denial of such opportunity vitiates the order impugned in the writ petition.

This Court, instead of keeping the writ petition pending, having regard to the scope and object of WALTA 2002, disposes of the writ petition by this order.

(a) The order impugned in the writ petition is directed to be treated as a show-cause notice by the parties.

(b) The petitioner is given two weeks from today to submit explanation to the show-cause notices dated 30.01.2017 and 03.01.2008 before 2nd respondent by enclosing a copy of this order.

(c) The 2nd respondent is directed to enquire into the matter, afford opportunity to petitioner and pass orders within eight weeks thereafter.

Miscellaneous petitions, if any, pending, shall stand closed.

No order as to costs.

S. V. BHATT, J

Dt: 21-06-2018
Prv

