

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 28576 of 2018

ORDER:

- 1) The present writ petition came to be filed seeking issuance of writ of mandamus, to declare the action of the 4th respondent in passing orders dated 24.02.2018 as illegal, arbitrary and violative of principles of natural justice.
- 2) The case of the petitioner is that the petitioner is an Ex-Serviceman and joined in Indian Army in 1974 as craftsmen and worked in various places and promoted as Naib Subedar at Ferozpur. Pursuant to an application made by the petitioner for allotment/ assignment of land under Ex-Servicemen quota, the Mandal Revenue Officer, Veldana Mandal, having found that the petitioner is eligible for assignment, he said to have assigned land to an extent of Ac.5.00 gts., in Sy.No.34 of Peddapur Village, Veldanda Mandal, and handed over the possession of the land as well. Thereafter, the name of the petitioner is said to have included in the revenue records. According to the petitioner, he invested huge amount for the development of the schedule land and made it fit for cultivation. While things stood thus, the 4th respondent without any authority and without following due process of law passed the impugned order without issuing any notice to the petitioner.

3) Learned Government Pleader for Revenue (T.G.), on instructions, would submit that as the petitioner was not in Country at the time of issuing notice, the notice was affixed to the rock in the said land and in the absence of any representation in spite of affixing the notice in the schedule land, the impugned order came to be passed. He further submits that though the petitioner claims that the land was assigned to him, but there was no assignment at all in favour of the petitioner under Ex-Servicemen quota.

4) The only issue that arises for consideration is whether any notice of hearing was issued to the petitioner?

5) Admittedly, the petitioner was not in the Country during the period of that time and even according to the Government Pleader, notice for hearing of the matter came to be affixed to a rock in the schedule land. One does not know whether the said notice was affixed at a conspicuous place bringing to the notice of the adjacent land owners or relatives of the petitioner. Be that as it may, in view of the admitted position that no notice was served personally on the petitioner and as the impugned order came to be passed without hearing the petitioner, the order under challenge is set aside. By treating this as a notice to the petitioner, the petitioner shall submit an explanation on or before 29.08.2018 before the authorities concerned, in which event the concerned authority shall pass appropriate orders, in accordance with law, after hearing the writ petitioner.

6) With the above direction, the Writ Petition is disposed of at the admission stage. Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed. There shall be no order as to costs.

JUSTICE C. PRAVEEN KUMAR

20.08.2018
gkv

