

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.38016 OF 2018

ORDER :

This writ petition is filed challenging the action of the respondent No.3 in issuing Memo dated 05.09.2018 by dismissing the Inam Appeal No.F1/2094/2018 filed by the petitioners feeling aggrieved by the Endorsement, dated 26.06.2018 being issued in File No.J/1503/17 by the respondent No.4 by dismissing the Form-I Application filed by the petitioner seeking registration of their names, one H.Sudershan, who died during pendency of the Inam Appeal before the 3rd respondent and Respondent Nos.6 to 26 herein as the occupants and to issue them Occupancy Rights Certificate in respect of the inam land bearing Sy.No.362, admeasuring Ac.9.04 guntas, situated at Kanajiguda Village, Alwal Mandal, Medchal-Malkajgiri District, by conducting proper enquiry by following the procedure and providing an opportunity to the petitioners duly issuing notice to them by fixing a date of hearing to submit their explanations in regard to the maintainability of their case by both the respondent Nos.3 and 4.

Learned counsel for the petitioners submits that without issuing any notice the appeal filed by the petitioners was rejected basing on the report of MRO.

Though unofficial respondents are parties to the writ petition, since the appeal is rejected before issuing notice to the unofficial respondents in the appeal, this Court is of the opinion that notice is not required in the present writ petition to unofficial respondents.

Learned Assistant Government Pleader for Revenue on instructions submits that they could not dispute the assertions of the petitioners that no notice is issued before disposing of the appeal.

In view of the same, the impugned Memo dated 05.09.2018 issued by the Joint Collector-3rd respondent is set aside as it is not a speaking order and passed in violation of principles of natural justice, and the matter is remanded to the appellate authority. The appellate authority is directed to issue notices to both the parties and decide the appeal.

Accordingly, the writ petition is allowed. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

31.10.2018
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