HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 37532 of 2018

ORDER:

1) Heard learned counsel for the petitioners and Government Pleader for Revenue. With the consent of both the parties, the writ petition is heard at the admission stage itself.

2) The present writ petition came to be filed seeking writ of mandamus declaring the order of the 4th respondent in reference No.B/514/2018, dated 20.08.2018 with regard to the property of the petitioners, admeasuring Ac.2.25 cents in Survey No.4/11 of Gummalladoddi, Gokavaram Mandal, East Godavari district, as illegal, arbitrary and unconstitutional.

3) The only argument advanced by the learned counsel for the petitioners is that there is any amount of doubt as to whether the explanation offered by the petitioners has been considered by the authorities, since, in the second paragraph of the second page of the impugned order, it is mentioned that no explanation has been offered by the petitioners, while, in the subsequent paragraphs, the impugned proceedings speaks about the explanation being offered by the petitioners. In any event, even assuming that an explanation was offered by the petitioners, he would submit that there is no discussion with regard to the contents of the said explanation.

4) Learned Government Pleader for Revenue would submit that it would be just and proper if the order under challenge is set

aside and the matter is remanded back to the Tahsildar to pass a fresh reasoned order, taking into consideration the explanation submitted by the petitioners.

5) Having regard to the above, the order under challenge is set aside, as the same does not clearly indicate as to whether the explanation submitted by the petitioners was considered or not, and the matter is remanded to the Tahsildar concerned, who shall take into consideration the explanation submitted by the petitioners and pass a reasoned order, in accordance with law, at the earliest.

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

JUSTICE C. PRAVEEN KUMAR

12.10.2018
DMG