

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.39720 of 2018

ORDER:

This writ petition is filed challenging the order of the 2nd respondent dated 22-10-2018 passed in Revision Petition Rc.No.1503/2018-D5 upholding the order of the 3rd respondent-Revenue Divisional Officer, dated 14-06-2018 and directed the 4th respondent-Tahsildar to take further action on mutation of the subject land in favour of 5th respondent.

Heard Sri Ganta Rama Rao, learned Senior Counsel for the petitioners, who submits that the revisional authority without hearing the petitioners passed the impugned order dated 22-10-2018 and granted relief to unofficial respondent basing on the report of Tahsildar, dated 19-10-2018 without serving a copy of the same. As such, the impugned order is passed in violation of principles of natural justice. He also contended that the 2nd respondent has set aside the order of the 3rd respondent dated 09-11-2017 also in the appeal filed by the petitioners, though it is not the subject matter of appeal before him.

On the other hand, learned counsel appearing for the 5th respondent submits that the appeal was filed by the petitioners before the 3rd respondent against the order of the 4th respondent dated 28-07-2017, but while disposing of the revision, the 2nd respondent set aside the order dated 09-11-2017 also when the same was brought to the notice of the appellate authority and no exception can be given

to that. He submits that infact hearing was done on 18-08-2018, 01-09-2018 and only after hearing both sides, the impugned order is passed.

Heard learned Assistant Government Pleader for Revenue.

In this case, it is to be seen that even according to the 5th respondent hearing took place on 18-08-2018, 01-09-2018 while disposing of the revision filed by the petitioners, the joint Collector granted relief in favour of unofficial respondent basing on the report dated 19-10-2018, which is admittedly after hearing on 18-08-2018, 01-09-2018 and appears to be without notice to the petitioners as contended by learned counsel for the petitioners. It appears from the impugned order that the same is passed in favour of the 5th respondent relying on the report of Tahsildar dated 19-10-2018. Even if hearing has taken place on 18-08-2018 and 01-09-2018 according to counsel for the petitioner, the Tahsildar submitted report subsequent to said dates i.e. on 19-10-2018. As such, granting relief in favour of the 5th respondent basing on the said report appears to be in violation of principles of natural justice. In view of the same, without going in to the merits of the case, only on the ground of violation of principles of natural justice, the impugned order is set aside.

The 2nd respondent is directed to issue notice to the petitioners and respondents and dispose of the revision afresh within a period of four weeks from the date of receipt of a copy of this order.

Accordingly, the writ petition is allowed to the extent indicated above. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

08-11-2018
Nvl



