

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

WP.No.44208 of 2017

ORDER:

Heard counsel for petitioners and the Government Pleader for Revenue appearing for respondents 1 and 2.

2. The impugned order passed on 12.12.2017 by the 2nd respondent is in violation of principles of natural justice because he rejected the Revision filed by the petitioners as not maintainable without hearing the petitioners and without even issuing notice to respondents in the Writ Petition.

3. This course of action cannot be countenanced since a substantive proceeding like a Revision cannot be held to be not maintainable without hearing the petitioners.

4. It is not in dispute that earlier the same Officer had passed order on 20.10.2017 stating that the Revision is 'not admitted', which he had no authority to say and later withdrew the said order in the present impugned order.

5. Therefore, the impugned order is set aside, the matter is remitted back to the 2nd respondent to issue notice to petitioners, hear the petitioners and then decide the question of maintainability. This exercise shall be completed within a

period of six (06) weeks from the date of receipt of a copy of this order.

6. Accordingly, this Writ Petition is disposed of. No costs.

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

M.S.RAMACHANDRA RAO, J

04th January, 2018.
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