

HONOURABLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION Nos.3648 and 3656 of 2019

COMMON ORDER:

The grievance of the petitioners in these cases is with regard to the separate orders dated 11.02.2019 passed by the Joint Collector, Jagtial, dismissing their appeals filed under Section 10 of the Telangana Land Encroachment Act, 1905 (for brevity, 'the Act of 1905'), and directing their eviction immediately from the properties in question.

On 21.02.2019, Sri K.Venumadhav, learned counsel for the petitioners, contended that his clients were not put on notice prior to the hearing of the appeals and passing of the impugned orders. Recording the said statement, interim orders were granted by this Court on the said day, suspending the orders impugned in both the Writ Petitions.

Today, the learned Assistant Government Pleader for Revenue, State of Telangana, appearing for the authorities, would state that notices were issued on 25.01.2019 to the petitioners in both these cases by the office of the Joint Collector, Jagtial.

According to the learned Assistant Government Pleader, both the petitioners refused to receive the said notices and the same were pasted on the walls of their houses. Copies of the individual notices addressed to both the petitioners are produced, wherein an endorsement was made by the *Girdhavar* (Revenue Inspector) on 27.01.2019 to the effect that the addressees had refused to receive

the notices and that the same were affixed on the walls of their houses.

Though there appears to be no separate mode of service of notice prescribed in the Act of 1905 and the Rules framed thereunder in relation to appeals filed under Section 10 thereof, the aforestated mode, in the opinion of this Court, would be wholly insufficient to prove that there is at least deemed service of notice upon the petitioners.

Be it noted that no witnesses, such as the neighbours, signed the aforestated notices in proof of what was stated by the Revenue Inspector. The self-serving endorsement of the Revenue Inspector on the notices is therefore wholly inadequate to conclude that the petitioners would have refused to receive them. Be it noted that the aforestated notices were given to the petitioners in relation to the hearing of the appeals filed by them and there is no reason why the petitioners would have refused to receive the same or remained unmoved in the event they were pasted on the walls of their houses.

In that view of the matter, this Court is constrained to hold that the impugned orders dated 11.02.2019 passed by the Joint Collector, Jagtial, were in violation of the principles of natural justice as the petitioners were not afforded an opportunity of hearing before passing of the said orders in their appeals.

On this short ground, the Writ Petitions are allowed setting aside the impugned orders dated 11.02.2019 passed by the Joint Collector, Jagtial, dismissing the appeals filed by the petitioners. The

petitioners' appeals shall stand restored to the file of the Joint Collector, Jagtial, and shall be taken up for hearing on 23.3.2019 at 11 am.

Sri K.Venumadhav, learned counsel, is informed of the time and date fixed by this Court and states that his clients would appear before the Joint Collector, Jagtial, on the said date without service of further notice. The Joint Collector, Jagtial, shall consider the matters on their own merits and pass appropriate orders on the appeals, after hearing both sides, expeditiously and in any event, not later than four weeks thereafter.

Pending Miscellaneous Petitions, if any, shall stand closed in the light of this final order. No order as to costs.

07th March, 2019
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JUSTICE SANJAY KUMAR