

HIGH COURT FOR THE STATE OF TELANGANA

**THE HON'BLE THE CHIEF JUSTICE
SRI RAGHVENDRA SINGH CHAUHAN
AND
THE HON'BLE DR. JUSTICE SHAMEEM AKTHER**

W.A.No.660 of 2019

Date: 09.08.2019

Between:

The Nava Bharat Ferro Alloys Limited,
Rep. by its Authorised Representative
Mr.C.Mani Kumar

...Appellant

And

Kandi Rani and four others

...Respondents

Counsel for the appellant: Mr. P.Vikram

Counsel for the respondent No.1: Mr.P.Rama Sharana
Sharma

Counsel for the respondent Nos.2 to 5: GP for Revenue

The Court made the following:

JUDGMENT: *(Per the Hon'ble the Chief Justice Sri Justice Raghvendra Singh Chauhan)*

The Nava Bharat Ferro Alloys Limited, the appellant, respondent No.5 in the writ petition, has challenged the legality of the order dated 23.07.2019 passed by the learned Single Judge in I.A.No.1 of 2019 in W.P.No.13745 of 2019, whereby the learned Single Judge has directed the Tahsildar, respondent No.4 in the writ petition, to consider the application filed by the writ petitioner, Ms.Kandi Rani, within a period of four weeks from the date of receipt of the certified copy of the said order.

2. The learned counsel for the appellant submits that the said order has been passed behind the back of the appellant, who is arrayed as the respondent No.5 before the learned Single Judge. Moreover, the anxiety of the appellant is that Tahsildar may decide the application filed by the writ petitioner without giving an opportunity of hearing to the appellant. Furthermore, since the appellant claims to be in possession of the property in question and further claims that the writ petitioner is not even in possession of property, the appellant is of a *bona fide* apprehension, that an order may be passed by the Tahsildar which may adversely affect its interests and rights.

3. On the other hand, the learned counsel for the respondent No.1, the writ petitioner, submits that even the extent of possession of the appellant is unknown. Therefore, the learned Single Judge was justified in passing the impugned order.

4. Heard the learned counsel for the parties and perused the impugned order.

5. Although it is true that the learned Single Judge has directed the Tahsildar, the respondent No.5, to consider and decide the application filed by the writ petitioner, obviously the application cannot be considered without giving ample opportunity of hearing to the appellant. Furthermore, the learned counsel for the appellant has claimed that they were informed by the respondent No.5 that on 18.06.2019, enquiry was held by Mandal Surveyor, and though the appellant had requested for copy of the said enquiry report, the same has never been given to the appellant. Therefore, according to the appellant, it would be extremely difficult for them to challenge the contents and veracity of the said report.

6. Considering the facts narrated by the learned counsel for the appellant, the Tahsildar is directed to give copy of the enquiry report dated 18.06.2019 to the appellant and to give ample opportunity of hearing to the appellant. The appellant is free to raise all factual and legal contentions before the Tahsildar. The Tahsildar shall consider the application filed by the writ petitioner only after giving complete opportunity of hearing to all the parties. To this limited, the impugned order dated 23.07.2019 stands modified.

7. The writ appeal is, accordingly, disposed of. There shall be no order as to costs.

Miscellaneous petitions, if any pending, shall stand closed.

(RAGHVENDRA SINGH CHAUHAN, CJ)

(DR. SHAMEEM AKTHER, J)

09th August, 2019
Lrkm