

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.22244 OF 2019

Date: 15.10.2019

Between:

Koyalkar Narayana S/o.Late Bala Raju,
Aged 82 yrs, Occu : Nil,
R/o.H.No.3-128, Bazarwadi,
Kumrambheem, Asifabad District (Adilabad)

.....Petitioner

And

The State of Telangana,
Rep., by its Principal Secretary,
Revenue Department,
Secretariat, Hyderabad & others.

.....Respondents



The Court made the following:

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

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ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Revenue for respondents 1 to 4 and learned Government Pleader for Home for respondent No.6.

2. In this writ petition petitioner challenges the proceedings of Tahsildar-4th respondent, dated 28.09.2019 cancelling Plot No.267 allotted to him on the ground that petitioner did not undertake construction of house as required, even after 33 years.

3. A reading of the order itself would show that the first notice was issued on 09.03.2018 fixing seven days time and then the authority kept quiet. The second notice was issued on 24.09.2019 directing the petitioner to submit his reply within three days and on 28.09.2019, i.e., on fourth day, the impugned order is passed.

4. According to petitioner counter was filed by him on the same day. But without looking into the counter, straight away, order is passed.

5. According to learned Government Pleader, counter was filed after the orders were signed by the officer.

6. The fact remains that the order was passed on the date when the counter was stated to have been filed. Further only three days time was granted from the notice dated 24.09.2019 and after excluding the notice date, 28.09.2019 was the third day when counter was filed. At any rate three days time is too short. Be that as it may, the authority could not have disposed

of the matter on the fourth day, having waited for more than one and half year in pursuant to the earlier notice and ought to have given fair opportunity.

7. Having regard to the above, the order of 4th respondent dated 28.09.2019 is set aside and the matter is remitted to the Tahsildar. The Tahsildar is directed to examine the contentions urged in the counter affidavit filed by the petitioner and pass appropriate orders as warranted by law by assigning reasons in support of the decision, within a period of four (4) weeks from the date of receipt of copy of this order and communicate the same to the petitioner. Till then, both the parties are directed to maintain status-quo obtaining as on today, in all respects.

8. Accordingly, the Writ Petition is allowed. Pending miscellaneous petitions, if any, shall stand closed.

P.NAVEEN RAO, J

15th October, 2019
Rds