

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 24482 of 2019

Date : 8.11.2019

Between:

Wanaparthi Jalendar Reddy S/o Bucha Reddy aged about 38
years Occ Agriculture R/o Kothakota Village and Mandal
Wanaparthi District & others

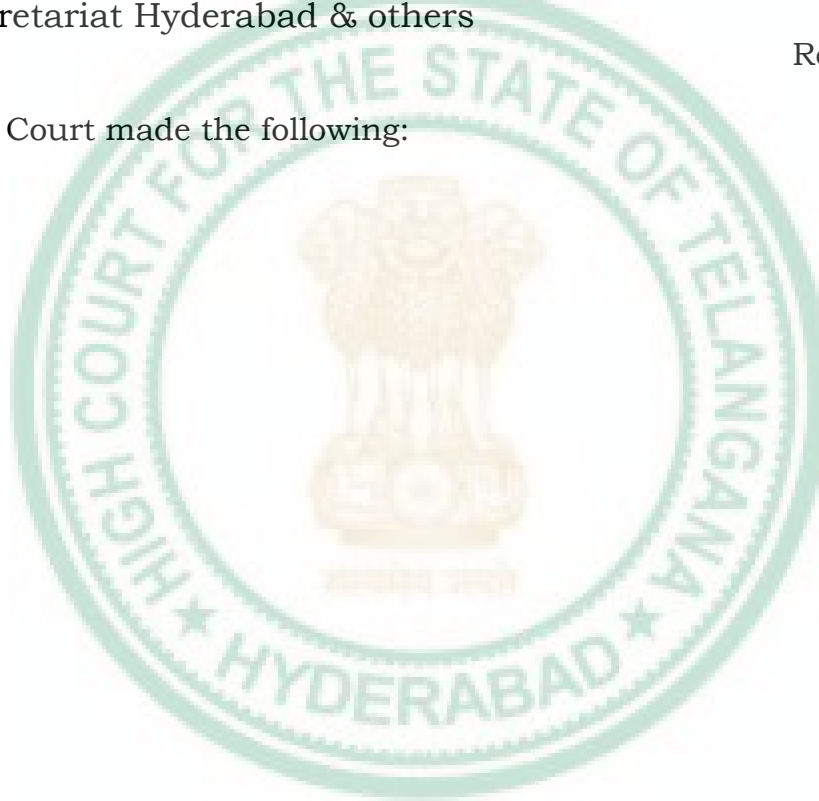
Petitioner

And

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

Respondents

The Court made the following:



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ORAL ORDER:

Heard learned counsel for petitioners and learned Government Pleader for Revenue and with their consent the writ petition is taken up for disposal at the stage of admission itself.

2. Against the order of the Tahsildar dated 6.7.2019 in file No. A/60/2019, petitioners 7 to 9 herein preferred appeal before the Revenue Divisional Officer-2nd respondent under Section 10 (1) of the A.P. Land Encroachment Act, 1905. The 2nd respondent by impugned order, rejected the said appeal. Questioning the same this writ petition is filed.

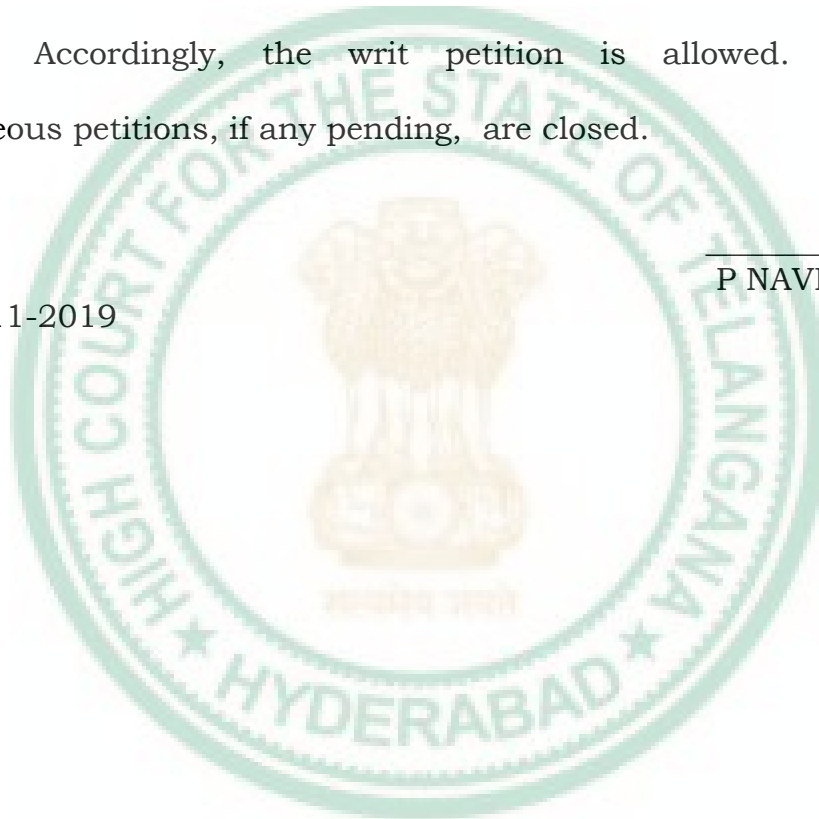
3. It is second round of litigation. Earlier, petitioners filed W.P.Nos. 4146, 4489 and 4514 of 2019 and this Court by common order dated 6.3.2019 disposed of said writ petitions holding that the order of the Tahsildar dated 8.2.2019 is unsustainable and remanded the matter to the Tahsildar. On remand, the Tahsildar, passed the order, against which Appeal was preferred under Section 10 of the Act, 1905. Several grounds are urged in support of the appeal. Though a lengthy order was passed by the 2nd respondent, he only discussed about the previous history, contentions urged on behalf of the parties, earlier orders of Tahsildar and orders passed by this Court and there is no discussion on the objections filed by the petitioners and why the grounds urged are not maintainable. Except asserting that what is urged in the appeal are urged before the Revenue Divisional Officer, no reasons are assigned for rejecting the appeal. In other words, the impugned order is bereft of reasons. The authority has decided right to hold the particular piece of land and alleges that persons have encroached the Government, which affects those persons right to property, therefore, the authority has to

assign reasons in support of its decision. This is an elementary principle of any decision by any authority which involves affecting rights to property. On this ground, the order is liable to be set aside and accordingly set aside and the matter is remanded to 2nd respondent for consideration of the issue afresh. Having regard to the history of the litigation, 2nd respondent is also directed to afford opportunity of hearing by fixing a date in advance and on due consideration of objections, grounds of appeal and submissions made during the personal hearing, shall pass appropriate orders duly assigning reasons.

4. Accordingly, the writ petition is allowed. No costs. Miscellaneous petitions, if any pending, are closed.

DATE: 8-11-2019
TVK

P NAVEEN RAO,J



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