

THE HON'BLE SRI JUSTICE T.VINOD KUMAR

WRIT PETITION No.3514 of 2020

ORDER:

This writ petition is filed to declare the action of respondents 2 to 4 in hurriedly deciding the issue of caste certificate of the petitioner without giving proper opportunity or following the process known to law as unconstitutional.

2. Heard the learned counsel for the petitioner and the learned Government Pleader for Social Welfare.

3. Learned counsel for the petitioner submits that being aggrieved by the order of the Collector and District Magistrate, Mahabubabad-third respondent, in Proceedings No.C1/744/2019, dated 12.12.2019, with regard to cancellation of caste certificate of the petitioner, the petitioner herein has filed an appeal before the second respondent authority on 10.01.2020. Along with the appeal, the petitioner also filed application seeking stay/suspension of the operation of the impugned order. It is urged on behalf of the petitioner, that the second respondent while admitting the appeal filed by the petitioner has passed the order in Memo No.114/TW.LTR/2020, dated 29.01.2020, rejecting the stay petition on the ground that "there are no sufficient grounds". Learned counsel for the petitioner submits that the said order passed by the second respondent authority is in clear violation of principles of natural justice and bereft of any reasons, as no opportunity of personal hearing was given to the petitioner.

4. Having regard to the submissions made above and perusing the order passed in Memo No.114/TW LTR/2020, dated 29.01.2020, without

going into the merits of the matter, this Court is of the view that the said rejection order passed by the second respondent does not indicate an opportunity of personal hearing having been given to the petitioner before passing of the order rejecting stay application and the same amounts to violation of principles of natural justice and cannot be sustained. Accordingly, the order passed in Memo No.114/TW LTR/2020, dated 29.01.2020 is set aside and the matter is remitted back to the second respondent authority to consider the same afresh, in accordance with law, after affording an opportunity of personal hearing to the petitioner. Having regard to the facts and circumstances of the case, the second respondent is hereby directed to take up and dispose the stay application as noted herein above, within a period of four weeks from the date of receipt of a copy of this order. Till such time, the second respondent authority takes up the said application afresh as directed herein above, the order of the third respondent in Proceedings No.E1/744/2019, dated 12.12.2019, shall not be given effect to.

5. Subject to the above, the writ petition is disposed of. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE T.VINOD KUMAR

Date:19.02.2020
grk

Note:

Furnish CC
in two days.

b/o grk