

HONOURABLE SRI JUSTICE T. VINOD KUMAR

WRIT PETITION Nos.21724 AND 17431 OF 2019

COMMON ORDER (ORAL) :

Though both the writ petitions are filed by the separate petitioners, since subject matter is one and the same, they are being disposed of by this common order.

2. W.P. No.21724 of 2019 is filed by the petitioner viz., Kasalal Prathap, seeking to declare the order dated 03.06.2019 in LTR Appeal No.A4/LTR/411/2016 passed by respondent No.3 - the Additional Agent to the Government (Project Officer) I.T.D.A. at Utnoor, Adilabad District, whereby the order dated 20.05.2016 in TW A2/129/2015 passed by respondent No.4 - the Special Deputy Collector (Tribal Welfare) under A.P.S.A.L.T.R. Head Quarters, Utnoor, Adilabad District, was confirmed, as illegal and arbitrary.

3. W.P. No.17431 of 2019 is filed by the petitioner viz., Vasampally Asha Reddy, questioning the order impugned dated 03.06.2019 (in W.P. No.21724 of 2019) passed by respondent No.3 - the Additional Agent to the Government (Project Officer) I.T.D.A. at Utnoor, Adilabad District, in respect of his (petitioner's) land, on the ground that respondent No.3 passed the impugned order against him without even taking into consideration the appeal filed by the petitioner before the said authority and acting in contravention of the order passed by this Court dated 03.04.2017 in W.P. No.11615 of 2017.

4. Heard learned counsel for the petitioners in both the writ petitions and learned Government Pleader for Social Welfare and learned Government Pleader for Revenue, and perused the material on record.

5. It is seen that the impugned order passed by respondent No.3 confirming the order passed by respondent No.4, is a non-speaking order as it does disclose any reason for coming to the conclusions arrived thereat.

6. The learned Government Pleader has drawn attention of this Court to the counter filed on behalf of respondents' authorities and would submit that sufficient opportunity has been granted to the petitioners.

7. Insofar as claim of the petitioner in W.P. No.17431 of 2019 is concerned, that the 3rd respondent authority has passed the impugned order affecting his rights, without considering the fact that the petitioner has also filed an appeal before the 3rd respondent authority being aggrieved by the order of the 4th respondent; in the counter filed, no explanation has been offered as to why the said authority has not taken up the appeal filed by the petitioner on record even by the time the impugned order has been passed.

8. However, the submission made on behalf of the respondents' authorities that sufficient opportunity has been granted, does not impress this Court to approve the action of respondent No.3

in passing the impugned order which is bereft of reasons for coming to the conclusions arrived therein.

9. In view of the above, without going into merits of the matter, this Court is of the view that the impugned order passed by respondent No.3 cannot be sustained, and, therefore, the same is set aside and the matter is remitted back to respondent No.3 to take up and decide the same afresh in accordance with law after affording an opportunity of hearing to the petitioners in both the writ petitions and also by taking up the appeal filed by the petitioner in W.P. No.17431 of 2019. Pending disposal of the matter including the appeal before respondent No.3, both parties are directed to maintain *status quo* with regard to possession of the property / properties in question.

10. With the above directions, both the writ petitions are disposed of. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in both the writ petitions stand closed.

T. VINOD KUMAR, J

February 18, 2020.
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