

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.9223 of 2021

ORDER:

Heard learned counsel for petitioner and learned Assistant Government Pleader for Revenue.

2. This writ petition is filed challenging the decision of the Special Tribunal constituted under Section 16 of the Act 9 of 2020 in File No.D2/2382/2017 (Special Tribunal No.F2/3390/2018, dated 04.02.2021) disposing the Revision under Act 26 of 1971. The primary challenge against the order of the Special Tribunal is that before passing orders, notice was not issued and opportunity of hearing was not afforded.

3. The very issue was considered by a Division Bench of this Court in W.P. (PIL) No.20 of 2021. Taking note of the objections of not issuing notice and not affording opportunity of hearing by order dated 18.03.2021, the Division Bench issued following directions:

“4. It is therefore deemed appropriate to direct that in all cases that have been transferred from the revenue courts to the Special Tribunals notwithstanding any orders that may have been passed by the Special Tribunals, the respondents shall issue public notices calling upon parties to appear before the Special Tribunals in each district on a fixed date and time to enable them to make their submissions. Wherever a request for a personal hearing is received from parties, the orders passed by the Special Tribunals shall be deemed to be quashed and set aside. Fresh orders shall be passed by the Special Tribunals after granting a reasonable opportunity to the parties of being heard either in person or through their Advocates. They shall also be afforded a chance to file written submissions, if not already filed. Only thereafter shall fresh orders be passed by the Special

Tribunals. Adequate and wide spread publicity of this order shall be given by the State within three weeks to apprise all concerned parties of the same.”

4. In terms of the said order, the aggrieved person has to verify the publication of notice as directed by the Hon’ble Division Bench and appear before the Special Tribunal on the date and time fixed in the notice. However, having regard to submissions made at the bar, in addition, petitioner is granted liberty to appear before the Special Tribunal within ten days from the date of receipt of copy of this order and submit a request for a personal hearing. He shall obtain acknowledgement of submitting such request. He shall also furnish the address for correspondence, mobile number and e-mail address (if any) in the said requisition. The Special Tribunal shall maintain record of proceedings including request made for personal hearing, as noted above. On furnishing the information by the petitioner and request made for personal hearing, the Special Tribunal shall conduct proceedings as directed by the Hon’ble Division Bench of this Court. It shall consider the matter afresh uninfluenced by the earlier order. It is open to the parties to file written submissions before the date of hearing fixed by the Special Tribunal. Learned counsel expressed concern that the Tahsildar may undertake exercise consequent to the impugned decision of Special Tribunal. It is hoped and expected that no steps be taken by the Tahsildar based on the orders of the Special Tribunal, impugned herein, till fresh orders are passed by the Special Tribunal as directed by the Division Bench and in this writ petition. It is made clear that this order is operative only if petitioner complies with directions issued above. There is no

expression of opinion on merits and the submissions and pleas of the parties are preserved.

5. The writ petition is disposed of. No costs. Miscellaneous petitions, if any, pending, stand closed.

P.NAVEEN RAO, J

Date:12.04.2021

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