

HONOURABLE SRI JUSTICE J. SREENIVAS RAO

WRIT PETITION No.33423 OF 2022 AND 9091 OF 2021

COMMON ORDER:

WP No.9091 OF 2021

The petitioner filed this Writ Petition to restore the order passed by respondent No.2 in case No.TWR2/07/20018 dated 16.01.2021.

WP No.33423 OF 2022

The petitioner filed this Writ Petition questioning the inaction of the respondents in not restoring the physical possession of the property vide an extent of Ac.3.37 guntas in Survey No.55/B at Karameri Village and Mandal, Komurambheem Asifabad District, despite the final order in TWB2/07/20018 dated 16.01.2021 as illegal.

Heard learned counsel for the petitioners, learned Assistant Government Pleader for Tribal Welfare appearing on behalf of respondent Nos.1 to 4 and learned counsel appearing on behalf of respondent No.6. With the consent of respective counsels, these Writ petitions are disposed of at the stage of Admission.

2. Sri Vikas Joshi, learned counsel for the petitioner in WP No.9091 of 2021 submitted that the respondent No.2 without issuing any notice, opportunity and without conducting any enquiry, passed the impugned order on 16.01.2021 basing on the petition filed by respondent No.5. The impugned order passed by respondent No.2 is clear violation of principles of natural justice and the same is liable to be set aside.

3. Sri P.Rama Sharana Sharma, learned counsel for the petitioner in WP No.33423 of 2022 submitted that respondent No.2 rightly passed the impugned order on 16.01.2021 exercising the powers conferred under the provisions of Section 1(3) of Andhra Pradesh Scheduled Area Land Transfer Regulation Act 1959 r/w Amended Regulation 01 of 1970. The petitioners are seeking implementation of orders passed by the respondent No.2.

4. In view of the submissions made by learned counsel in both the writ petitions, after going through the records including the impugned order passed by respondent No.2 dated 16.01.2021, it shows that prior to passing of the impugned order respondent No.2 has not given opportunity to the

petitioner in WP No.9091 of 2021. Without going into the merits of the case, WP No.9091 of 2021 is allowed by setting aside the impugned order passed by respondent No.2 in case No.TWR2/07/20018 dated 16.01.2021 and further, respondent No.2 is directed to dispose of the case after giving notice, opportunity and after hearing the petitioners in both the writ petitions, pass the appropriate orders in accordance with law within a period of three months from the date of receipt of copy of the order.

5. Accordingly, writ petition No.9091 of 2021 is disposed of.

6. In view of the orders passed in Writ Petition No.9091 of 2021, no further orders are required in Writ Petition No.33423 of 2022. Accordingly, the WP No.33423 of 2022 is closed.

Miscellaneous petitions, if any, pending in this writ petition, shall stand closed.

JUSTICE J. SREENIVAS RAO

Date: 30.01.2023
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THE HONOURABLE SRI JUSTICE J SREENIVAS RAO



WRIT PETITION Nos. 33423 OF 2022 & 9091 of 2021

Date:30.01.2023

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