
(2010) 11 AP CK 0010

In the Andhra Pradesh High Court

Case No : Writ Appeal No. 777 of 2010 and Writ Petition No. 25753 of 2007

Katikala Shankaraiah

APPELLANT

Vs

State of A.P. and Others

RESPONDENT

Date of Decision : 29-11-2010

Acts Referred:

Citation : (2011) 6 ALD 507 : (2011) 1 ALT 613

Hon'ble Judges : B. Prakash Rao, Acting C.J.;V. Suri Appa Rao, J

Bench : Division Bench

Advocate : K. Mohan Lal and M. Mehdi Hussain, for the Appellant; G.P. for Revenue for Respondent Nos. 1 to 3 and P.S.P. Suresh Kumar, for the Respondent

Judgement

B. Prakash Rao, A.C.J.

1. Heard Sri K. Mohanlal, learned Counsel for the Appellant and the learned Government Pleader for Revenue for the Respondents and Sri P.S.P. Suresh Kumar, the learned Counsel for the contesting Respondents. At their request, the Writ Appeal itself is taken up for disposal at the admission stage.

2. The Appellant-unsuccessful writ " Petitioner, by way of this Writ Appeal under Clause 15 of the Letter Patent, seeks to assail the order dated 19.07.2010 dismissing the Writ Petition, wherein he sought to assail the orders passed by the second Respondent dated 07.09.2007.

3. Apart from the merits as to the right, title and interest, the main grievance of the Appellant is to the effect that the said order was passed without any opportunity. This submission is contested on behalf of the second Respondent. Further, on the earlier occasion, when we heard the matter, we directed the learned Government Pleader for Revenue to file a detailed counter affidavit and produce records in regard to the proceedings impugned.

4. Now, Sri N. Kishan Rao, S/o.N. Ramachander Rao, who has been working as a Tahsildar, Maheshwaram Mandal, Ranga Reddy District, the second Respondent

herein, filed the counter affidavit wherein in paragraph No. 5 of the counter affidavit, it is stated that as per the records available, it seems that without issuing notice to the Petitioner, the impugned order has been passed by the second Respondent.

5. In view of the same, it is not necessary to go into the merits of the case and it would suffice in the interest of justice to direct the second Respondent to conduct fresh enquiry after giving notice and opportunity to both the parties and pass orders in accordance with law.

6. Accordingly, W.A. No. 777 of 2010 and W.P. No. 25753 of 2007 are allowed and the impugned orders dated 19.07.2010 and 07.09.2007 are set aside. The matter is remitted back to the second Respondent for disposal afresh after giving notice and opportunity to both the sides within a period of three months from the date of receipt of a copy of this order. It is always open for both the parties to raise all the objections and the pleas, which would be considered in accordance with law uninfluenced by any of these proceedings. No costs.