

HIGH COURT OF ANDHRA PRADESH :: AMARAVATI

MAIN CASE No: W.P.No.2245 of 2023

PROCEEDING SHEET

<u>SL. NO.</u>	<u>DATE</u>	<u>ORDER</u>	<u>OFFICE NOTE</u>
01.	01.02.2023	<u>BKM, J</u> Heard the learned Senior Counsel for the petitioner. The learned Government Pleader for Revenue takes notice for the respondents. The learned counsel for the petitioner is permitted to take out personal notice to the respondent Nos.5 and 6 and proof of service shall be filed within a period of three (03) weeks from today. List on 01.03.2023. The grievance of the Writ Petitioner is that the revision petition was disposed of by the 2nd respondent vide order, dated 22.10.2021 remanding the matter to the Tahsildar, Venkatagiri Mandal and the Sub-Collector, Gudur, to decide the matter afresh, by conducting fresh enquiry. The impugned order, dated 22.10.2021 specifically mentions that the notice was issued on 23.01.2021, 06.03.2021, 27.03.2021, 03.07.2021, 07.08.2021 and 28.08.2021, but, at the same time it is also mentioned that the notice could not be served to the respondents, as they are not residing in the village. The respondents did not attend the Revenue Court. In spite of	

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		the said specific observation that notice could not be served on the respondents in the revision proceedings, the matter was decided by the revisional authority on merits and remanded the matter to the original authority, i.e., the Tahsildar, Venkatagiri and the Sub-Collector, Gudur. The learned Senior Counsel for the petitioner submits that the petitioner herein was successful before the original authority and as well as before the appellate authority and she was honestly waiting to participate in the revisional proceedings also, but due to non service of notice to her, she could not participate in the hearing process before the revisional authority and as such, the impugned order came to be passed by the 2nd respondent herein. On the other hand, the learned Government Pleader appearing for the respondents submits that the impugned order is only by way of remanding the matter to the original authority to consider and conduct fresh enquiry only and no prejudice is caused to the petitioner herein. However, as the petitioner was successful earlier before the two authorities and, admittedly, as there was no opportunity due to non service of notice before the revisional authority to participate in the said	

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		proceedings, this Court <i>prime-facie</i> comes to a conclusion that an opportunity should have been given to the petitioner herein, who is the 3rd respondent before the revisional authority, for participating in the said proceedings at least by giving one more chance in a fair manner to participate before the said revisional authority. In order to comply with the principles of natural justice, the revisional authority ought to have taken that minimum care by making an effort to cause service of notice on the petitioner herein, who is the 3rd respondent before the said authority. Still, if the petitioner/the 3rd respondent therein does not turn up even after service of notice in the said proceedings, in all fairness, she should have been set ex-parte, before passing the final orders in the said revision petition. Since the said procedure is visibly wanton in the impugned proceedings dated 22.10.2021, this Court is constrained to show its indulgence at the present. Accordingly, the impugned proceedings in Rc.E8/633/2020, dated 22.10.2021 of the 2nd respondent is stayed, pending further orders. BKM, J KMS	

