

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 4296 of 2011

ORDER:

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Heard learned counsel for the petitioners, Government Pleader for Assignment and learned Standing counsel appearing for respondent No.5. With the consent of all the parties, the main writ petition is heard at the admission stage itself.

The present writ petition came to be filed seeking issuance of writ of mandamus declaring the proceedings vide Ref.No.E2/142/2011, dated 07.02.2011 issued by the second respondent in allotting the land admeasuring Ac.3.50 cents in R.S.No.228/2, 228/3 situated in Bhatlapalem, H/o. Indupalli, Amalapuram Mandal, in favour of the fifth respondent and order for delivery of possession without any notices to the petitioners or to any other beneficiaries, as illegal, arbitrary and violative of principles of natural justice.

The averments made in the affidavit filed in support of the writ petition would show that the fourth respondent granted pattas in favour of 72 people including the petitioners for the purpose of construction of houses in R.S.No.228/2, 3 of Bhatlapalem, H/o. Indupalli Village, Amalapuram Mandal as they are landless poor persons. Possession of the same was also delivered to them. Subsequently, the petitioners are alleged to have invested huge amounts for leveling the land and also made several representations to the respondents for sanction of house loans. While all of them are waiting for sanction of house loans, the second respondent issued the impugned proceedings alienating

the said land in favour the fifth respondent for the purpose of a compost yard. Hence, the writ petition.

The main ground urged by the learned counsel for the petitioners is that no notice was given to the petitioners before resuming the land. If the resumption orders are passed, the respondent authorities ought to have sent a copy of the order of cancellation of pattas granted in favour of the petitioners. It is said that in the absence of the same, it has to be presumed that there is no resumption orders are passed till date.

When the matter is taken up for hearing, today, the Government Pleader for Assignment produced the entire record, which show the service of notice on the petitioners on 27.11.2010 and also the orders canceling the pattas. It is said that though the beneficiaries have not come forward with construction of houses in the said land till date, in spite of house site pattas being granted on 01.10.2008, the same was resumed and allotted to the fifth respondent for the purpose of compost yard.

In view of the above, the argument of the learned counsel for the petitioners that no notice was given to the petitioners cannot be accepted. But however, the Government Pleader for Assignment submits that the order of cancellation of pattas was not served on the petitioners.

Having regard to the facts and circumstances stated above, the present writ petition is disposed of directing the respondents to serve a copy of the order of cancellation of pattas to the petitioners at the earliest, preferably within a period of eight (08) weeks from the date of receipt of the order. In which event, it is always open to the petitioners to avail the remedies available

under law. No order as to costs.

Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

**JUSTICE C. PRAVEEN
KUMAR**

02.12.2015
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