

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

Writ Petition No.36979 of 2015

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Dated 13th November, 2015

Between:

Kankanala Beebu and others

...Petitioners

And

The Commissioner, Ongole Municipal Corporation, Ongole, Prakasam District and another

...Respondents

Counsel for the petitioners: Sri C.Ramachandra Raju

Counsel for respondent No.2: AGP for Revenue (AP)

The Court made the following:

ORDER:

This writ petition is filed for a mandamus to set aside proceedings bearing Roc.No.2002/2015-G1, dated 06.04.2015, of respondent No.1, whereby he has requested respondent No.2 to cancel the DKT pattas issued to the petitioners.

I have heard Sri C.Ramachandra Raju, learned counsel for the petitioners, and the learned Assistant Government Pleader for Revenue (AP) appearing for respondent No.2.

The petitioners were granted DKT pattas for house sites in T.S.No.14/1 of Uracheruvu. Respondent No.1 has addressed the impugned letter to respondent No.2, wherein he has stated that the plots, which were assigned to 41 persons including the petitioners, are required for providing a park and construction of a boat club. He has referred to an order of this Court in W.P.No.7981 of 2012 and also the request of Member of Legislative Assembly. The petitioners alleged that yielding to the influence of respondent No.1, respondent No.2 is seeking to cancel the DKT pattas and resume the plots from their possession.

When this writ petition came up for admission and hearing in the pre lunch session, the learned Assistant Government Pleader for Revenue requested for a pass over for instructions. In the post lunch session, he has submitted that so far no action has been taken by respondent No.2 in pursuance of the impugned communication and that respondent No.2 will take a considered decision after weighing the pros and cons of cancellation of pattas and after following due procedure of law.

In the light of the above submissions of the learned Assistant Government Pleader, respondent No.2 is directed to act strictly in accordance with the due legal procedure, if he decides to proceed with resumption of the plots. He is further directed not to be influenced by the pressure that may be brought by the external agencies and he shall take an independent decision by balancing the interests of the individuals as well as the State. If in the event he decides to proceed with the resumption of the plots, he shall issue notices to the petitioners, conduct enquiry, wherein he shall give the petitioners an opportunity of personal hearing, and pass a reasoned order and communicate the same to the petitioners.

Subject to the above directions, the writ petition is disposed of.

As a sequel to disposal of the writ petition, WP.MP.No.47621 of 2015 shall stand disposed of as infructuous.

C.V.NAGARJUNA REDDY, J

13th November, 2015

VGB