

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 22180 of 2011

ORDER:-

Heard learned counsel for the petitioner and learned Government Pleader for Revenue appearing for the respondents. With the consent of both the parties, the main writ petition is heard and disposed of at the admission stage itself.

The present writ petition is filed seeking a direction to the respondents not to dispossess the petitioner from the land, admeasuring Ac.0.16 cents, situated in Survey No.1430/1 of Chattevaripalem Village, Chinnagottigallu Mandal, Chittoor District.

The case of the petitioner is that she being a landless poor lady was assigned land to an extent of Ac.0.16 cents, situated in Survey No.1430/1 of Chattevaripalem Village, Chinnagottigallu Mandal, Chittoor District, vide DKT patta No.31/4/1415 on 21.11.2014 by the 4th respondent. It is stated that since the date of assignment of the said land, the petitioner is in possession and enjoyment of the same by raising various crops. While things stood thus, basing on a complaint made by the villagers stating that the petitioner converted the land into house sites and alienated the same, the 4th respondent issued a show cause notice vide Roc.No.154/2008 dated 14.07.2008 calling upon the petitioner to explain as to why the DKT patta granted in her favour should not be cancelled and consequently resume the land. After receiving the said notice, the petitioner appeared

before the 4th respondent and explained to him stating that she never alienated the land assigned to her, and requested him to drop all further proceedings initiated pursuant to the show cause notice dated 14.07.2008. It is stated that without passing any orders pursuant to the show cause notice, the 4th respondent is trying to evict the petitioner from the land. Hence, the present writ petition.

While admitting the assignment of the land in favour of the petitioner, the 4th respondent filed a counter stating that the record does not disclose that the land assigned to the petitioner was resumed or a notice for resumption of the land was given to the petitioner. The counter reveals that the entries in the DKT register were rounded off and written as “rejected and accepted” and thereafter they were also struck off. It is also stated that the original assignee, the petitioner herein, did not bring the land under cultivation and thereby violated the conditions stipulated in the DKT patta. However, resumption proceedings were not issued by the then Mandal Revenue Officer, but the land was re-assigned to five poor persons for the purpose of house sites, who also did not construct any houses and the land is lying vacant as on today.

If the petitioner is still in possession of the land assigned to her and as the resumption proceedings are not yet initiated, the revenue authorities, more particularly the 4th respondent, shall not take any steps for resumption of the land of the petitioner without issuing a notice to her. It is needless to mention that the 4th respondent shall follow the procedure

contemplated under law before taking any steps for resumption of the land.

With the above direction, the Writ Petition is disposed of. There shall be no order as to costs.

Consequently, miscellaneous petitions, if any, pending in the writ petition shall stand closed.

C. PRAVEEN KUMAR, J

7th July, 2015
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