

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

—
WRIT PETITION No.16658 of 2004

ORDER:

Heard the learned Counsel for the petitioners and the learned Government Pleader for respondent Nos.1 and 2. None appeared for respondent Nos.3 to 8.

As per the averments filed in support of the Writ Petition, the Government has acquired an extent of Ac.1.78 cents in Survey No.800/2 for providing house sites to weaker sections of Krishnampalem Village, Hamlet of Yennandam of Devarapalli Mandal in West Godavari District. After due enquiry, pattas were issued to eligible beneficiaries. Since the petitioners happened to be landless poor persons, they were issued house site pattas in the month of January, 2002, and they have raised constructions also. While so, before the Assembly elections in 2004, a list was prepared at the instance of the then Sarpanch of Devarapalli Village to grant house site pattas in favour of respondent Nos.3 to 8 without cancelling the pattas issued in favour of the petitioners. In those circumstances, the present Writ Petition was filed challenging the action of the second respondent in issuing pattas to respondent Nos.3 to 8 on 26.02.2004.

This Court, by order dated 16.09.2004, granted interim stay, as a result of which the petitioners are continuing in possession of the land covered by house site pattas issued to them. Respondent Nos.1 and 2 have not filed any counter affidavit even after lapse of ten years.

In the circumstances, since the second respondent has not followed due process of law while issuing house site pattas in favour of respondent Nos.3 to 8 on 26.02.2004, the pattas granted to them are hereby set aside, and the Writ Petition is disposed of directing respondent Nos.1 and 2 not to interfere with the possession of the land of the petitioners covered by house site pattas issued to them, without

following due process of law. The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

06.02.2015
vs