

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD

**FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH**

**WEDNESDAY, THE EIGHTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIFTEEN**

Present

HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.22429 of 2009

Between:

V. Venkatamma, W/o. V. Nagaiah,
Aged about 35 years, Occ: Agriculture Cooli,
Yellakattava, H/o. Kuvvakulli Village,
Varadayapalem Mandal, Chittoor District.

.. Petitioner

AND

The District Collector,
Chittoor District & 3 others

..
Respondents

And

WRIT PETITION No.22437 of 2009

Between:

V. Mani, S/o. V. Nagaiah,
Aged about 22 years, Occ: Agriculture Cooli,
Yellakattava, H/o. Kuvvakulli Village,
Varadayapalem Mandal, Chittoor District.

.. Petitioner

AND

The District Collector,
Chittoor District & 4 others

..
Respondents

The Court made the following:

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HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION Nos.22429 & 22437 of 2009

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COMMON ORDER:

The petitioners belong to the same family. The petitioners were assigned land as landless poor as early as in the year 2004. Subsequently it has come to the notice of the competent authority that the petitioners' family was already having private patta land and, therefore, they are not classified as landless poor nor be allotted Government land. Accordingly, notice, dated 18.09.2009, is issued by the Joint Collector, Chittoor District, calling upon the petitioners to submit their explanation. In W.P.No.22437 of 2009, the petitioner is son of V. Nagaiah and in W.P.No.22429 of 2009, the petitioner is wife of V. Nagaiah. The show cause notice, dated 18.09.2009, issued by the Joint Collector, Chittoor District, is challenged respectively in these two writ petitions.

2. The petitioners allege that they are not joint family, they are living separately and having regard to the status of the petitioners, the land was assigned to them and, therefore, the petitioners cannot be described as not belonging to landless poor and the assignment originally granted to them was validly granted and the impugned show cause notice is not

validly issued. It is further alleged that the show cause notice is issued due to political pressure by the rival groups and due to some false complaints generated with an intention to harass and humiliate the petitioners.

3. The fact of the matter is that the order impugned in these two writ petitions is a notice issued by the Joint Collector, Chittoor District, on 18.09.2009 calling upon the petitioners to submit their explanations as to why the DKT pattas granted to an extent of Ac. 1.68 cents in Survey No.336/1 and Ac. 1.68 cents in Survey No.336/2 of Kuvvakulli Village, Varadayapalem Mandal, should not be cancelled. Thus, it is only a show cause notice calling upon the petitioners to explain as to why the DKT pattas granted to them should not be cancelled. The only assertion of the petitioners is that the land was assigned to the family of the petitioners. They satisfied the requirement for such assignment and the assignment was validly granted. The competency of the Joint Collector, Chittoor District, to issue such notice and the competency of the State to undertake a review of an assignment granted earlier is not in dispute. The issue of assignment is the matter for consideration by the competent authority. It is pre-mature for this Court to go into said issue.

4. The learned counsel for the petitioners expressed his apprehension that the Joint Collector, Chittoor District, has already made up his mind and that the petitioners do not expect any fair opportunity of hearing and, therefore, the writ

petition was validly instituted.

5. While remitting the matter for consideration by the Joint Collector, having regard to the apprehension expressed by the learned counsel for the petitioners, the Joint Collector, Chittoor District, is directed to afford full and fair opportunity to the petitioners in addition to the written submissions the petitioners make as a response to the show cause notice. The petitioners be given an opportunity of being represented by a counsel if they so choose. After affording due opportunity and on consideration of the matter independently uninfluenced by any findings recorded in the notice, he shall pass appropriate orders, as warranted by law, and communicate the same to the petitioners.

6. Liberty is granted to the petitioners to submit a written explanation along with documents in support of their stand within a period of four (4) weeks from the date of receipt of a copy of this order. Soon after receipt of such explanation, the petitioners should be put on notice for personal hearing.

7. Until the decision is taken and orders are communicated to the petitioners, the position obtaining in pursuant to the interim orders granted by this Court as with reference to possession and enjoyment shall be maintained.

8. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

P.NAVEEN

RAO, J

Date: 18th February, 2015

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HON’BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION Nos.22429 & 22437 of 2009

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