

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

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WRIT PETITION No.13099 of 2005

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Revenue.

The petitioner's case is that he was assigned land in an extent of Ac.1.22 guntas in survey No.31/8, Charai, situated at Kamareddy, Nizamabad District, as per Final Patta Certificate No.A4/4535/76, dated 05.06.1977. While so, a show cause notice was issued on 09.11.1987, for cancellation of the said patta. The patta was sought to be cancelled, on the ground that the petitioner did not bring the said land under cultivation. In spite of reply by the petitioner, the patta was cancelled. Challenging the same, the petitioner filed W.P.No.17616 of 1987 and others also filed some other writ petitions. The writ petitions were allowed on 04.04.1990. Another notice was issued on 12.10.1990, for resumption of the land. The

3rd respondent, Mandal Revenue Officer, Kamareddy, vide proceedings dated 21.03.1991, cancelled the assignment made in favour of the petitioner. Aggrieved thereby, the petitioner filed an appeal before the 2nd respondent, Revenue Divisional Officer, Kamareddy. The said appeal was dismissed confirming the orders of the 3rd respondent. The revision filed by the petitioner was also dismissed by the 1st respondent, Joint Collector, Nizamabad, by order, dated 02.12.1991. Thereafter, he filed W.P.No.10885 of 1993 and it was ultimately allowed on 22.01.1997. Again, a third show cause notice was issued on 09.07.1997 and the petitioner submitted his explanation on 09.07.1997. The assignment was cancelled by the

3rd respondent on 31.12.1997. Against the said order, he filed an appeal before the 2nd respondent, on 09.09.1998. Without passing any orders in the said appeal, the respondents are trying to interfere with the land of the petitioner, and hence, the present writ petition was filed.

The 1st respondent filed a counter affidavit stating that in W.P.No.10880

of 1993 and batch, this Court through order, dated 22.01.1997, directed the respondent therein to give an opportunity to the petitioner and take appropriate action. Accordingly, a show cause notice was issued to the petitioner and other assignees on 09.07.1997 and it was served on the petitioner on 19.07.1997. The petitioner submitted his explanation. The petitioner's counsel appeared and argued before the 3rd respondent. After hearing the petitioner, the orders of cancellation were passed on 31.12.1997, and 647 house site patta certificates were issued to the eligible weaker sections of the people during 1994-1995. As on the date of filing of the writ petition, the petitioner is not in possession of the land, except in an extent of Ac.0.10 guntas. Against the order passed by the 3rd respondent dated 31.12.1997, the petitioner preferred an appeal before the 2nd respondent. However, the 2nd respondent dismissed the appeal on 21.08.1998. The said copy was served on the petitioner also. The lands were taken by the Government under a panchanama, dated 11.02.1990.

This Court initially granted an order of *status quo*, on 24.10.2005 and the said order was vacated on 18.06.2008. As per the counter-affidavit, the land of the petitioner was taken by the Government under a panchanama dated 11.02.1990 and 647 beneficiaries were given patta certificates during 1994-95. As on today, the beneficiaries are in possession of their respective plots. The petitioner was stated to be in possession of Ac.0.10 guntas of land.

The appeal preferred by the petitioner was dismissed by the 2nd respondent, through order, dated 21.08.1998. The said order has not been challenged in the present writ petition.

In the circumstances, the writ petition is liable to be dismissed and is accordingly dismissed.

The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

02.04.2015

GJ