

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 32316 of 2011

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ORDER:

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

The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action of the 3rd respondent in issuing Form-1 notice dated 18.10.2011 to the petitioner, as illegal and arbitrary.

The case of the petitioner is that she is in possession and enjoyment of a thatched house bearing door No.1-3 in R.S.No.379/1 situated at Kavitam Village, Poduru Mandal, West Godavari District and that pursuant to a policy of issuing pattas to the landless poor persons who are already living in Government Porambokes by raising houses, vide proceedings No.ROC.382/98 dated 10.07.1999 the then Mandal Revenue Officer issued a patta in favour of the petitioner in respect of land to an extent of Ac.0.02 ½ cents. It is stated that with his hard earned money, the husband of the petitioner purchased land admeasuring Ac.0.10 cents from one Balla Seetha Mahalakshmi under a registered sale deed dated 08.08.2000. It is also stated that as the thatched house fell due to heavy rains in the year 2011, the petitioner erected cement poles for construction of a house in the land. On 02.05.2011, the 3rd respondent is alleged to have got erected red flags in the land and thereafter issued Form No.1 notice dated 18.10.2011 calling upon the petitioner to submit explanation as to why the patta issued in her favour should not be cancelled, within 15 days, on the ground that the petitioner obtained the patta by misrepresentation and also by suppressing the fact that she already owned a house bearing door No.38 in assessment No.43 in Jagannadhapuram Village, prior to the issuance of the patta. It is alleged that though the petitioner submitted an explanation dated 06.11.2011 to the said notice, the 3rd respondent is trying to dispossess her from the land without considering the explanation. Hence, the present writ petition.

Though various grounds are raised in the writ petition, the learned counsel for the petitioner restricts his prayer seeking a direction to the respondents not to dispossess the petitioner from the land, without following the due process of law.

The learned Government Pleader for Revenue (Assignment) submits that the fact of issuance of Form No.1 notice itself shows that the petitioner obtained patta by misrepresentation and by suppressing the facts. He, however, submits that no coercive steps will be taken against the petitioner, without following the due process of law.

Having regard to the circumstances stated above, the Writ Petition is disposed of, directing the respondents not to dispossess the petitioner from the land admeasuring Ac.0.02 ½ cents in R.S.No.379/1 situated at Kavitam Village, Poduru Mandal, West Godavari District, without following the due process of law. There shall be no order as to costs.

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

JUSTICE C. PRAVEEN KUMAR

2nd September, 2015

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