

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.1662 OF 2011

ORDER:

Challenging the cancellation proceedings dated 15.10.2010 issued by the 2nd respondent, this writ petition is filed.

It is the case of the petitioner that she was issued a house site patta for an extent of 100 sq. yards in plot No.436, Sy.No.329, Chitkul Village, Patancheru Mandal, Medak District, vide proceedings dated 13.12.2007 by the 3rd respondent. Pursuant to issuance of patta, she applied to the 5th respondent for sanction of house construction plan, and on according necessary sanction vide proceedings dated 11.12.2008, she constructed a house and is residing in it. While so, alleging that she is ineligible for grant of patta, a show cause notice dated 16.09.2009 was issued by the 2nd respondent seeking explanation from her, within 15 days, as to why the patta granted in her favour should not be cancelled.

Sri B. Nalinikumar, learned counsel for the petitioner submits that the show cause notice issued by the 2nd respondent is a 'printed proforma' which is a general format, and there are no specific allegations against the petitioner with regard to bye-passing the rules of patta or violation of conditions of patta. He further submits that the petitioner submitted her explanation and the same was not considered by the 2nd respondent. He states that the reason attributed by the 2nd respondent for cancellation of patta is – ***“The individual is carpenter along with sons, RCC House, shops rents purpose. The above annual income is Rs.8.00 lakhs above. Hence, rejected”***. The learned counsel further submits that, at any rate, the reasons quoted in the impugned proceedings are at variance from the reasons shown in the show cause notice; and hence, the impugned order, which is mechanically passed without applying mind, is liable to be set aside.

Sri C.V. Bhaskar Reddy, learned Government Pleader for Revenue while contending that the explanation submitted by the petitioner was considered by the 2nd respondent, fairly concedes that the reasons shown in the impugned order of cancellation are different from the reasons mentioned in the show cause notice.

Having heard rival submissions and considering the fact that the reasons mentioned in the impugned proceedings are totally different from those mentioned in the show cause notice, the impugned order cannot sustain in law as it violates the basic principles of natural justice. In that view of the matter, the impugned order dated 15.10.2010 is liable to be set aside.

Accordingly, the writ petition is allowed, and the order dated 15.10.2010 passed by the 2nd respondent is hereby set aside. However, liberty is given to the respondents to take appropriate action, if so advised, by issuing a proper show cause notice to the petitioner specifying the reasons as to under what circumstances and what manner, the petitioner had violated and thus invited the disqualification with respect to the house site patta granted in her favour earlier. Further, if any fresh enquiry is to be conducted, the same shall be completed within a period of four months from the date of issuance of the fresh show cause notice. No order as to costs.

Miscellaneous petitions, if any pending in this writ petition, shall stand closed.

CHALLA KODANDA RAM,J

Date:19.02.2015.

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