

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.1063 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 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 4th respondent for sanction of house construction plan, and on according necessary sanction vide proceedings dated 15.09.2008, 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. She states the following reasons were shown in the show cause notice for the purpose of cancellation of patta, and the impugned order was passed which is now challenged in this writ petition.

“1. You have bye-passed the rules framed for patta which were given to you in the year 2007.

- 2. You are in-eligible as per the enquiry report***
- a) You are in-eligible as per the enquiry report.***
 - b) Not residing in village***
 - c) Binami Patta is granted***
 - d) One or more pattas are granted in the same family.”***

Sri Samineni Kishore, 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 as there are no specific allegations against the petitioner in the show cause notice issued by the 2nd respondent, the petitioner could not have submitted her explanation. He states that the reason attributed by the 2nd respondent for cancellation of patta is – ***“individual RCC compartment building and one Maruthi car above annual***

income is Rs.2.00 lakhs and 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 petitioner should have submitted her explanation to the show cause notice, 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 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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HON'BLE SRI JUSTICE CHALLA KODANDA RAM

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