

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.7898 of 2011

ORDER:

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The present writ petition is filed to declare the action of third respondent in granting pattas to respondents 5 and 6 without issuing any notice to the petitioner which amounts to violation of law and natural justice.

The facts, which lead to filing of writ petition are as under:

The grand father of petitioner by name Tailor Mohiddin Saheb was holder of D-Form patta in survey No.416/D of Narasapuram village to an extent of Ac.04-80 cents. It is stated that the records of Adangal extract and 10 (1)-1418 Fasili of Indurthy Mandal, Narsapuram village show that he was in possession of the land. After his demise, his son by

name Nazeer Saheb enjoyed the said land as a legal successor. Thereafter, on 29-08-2009 father of the petitioner died.

As such, the petitioner became successor to the said land.

While things stood thus, the respondents 1 to 3 are alleged to have granted pattas to the respondents 5 and 6 without issuing any notice to the petitioner. Questioning the same, the petitioner is alleged to have made an application on 05-02-2011 for cancellation of pattas granted to the respondents 5 and 6. According to him, the Grama Sabha has also passed a resolution stating that the land belongs to the forefathers of the petitioner, but the respondents-authorities have not taken any action to resume the land in favour of the petitioner. Hence, the present writ petition.

At the time when the matter is taken-up for hearing, the learned counsel for the petitioner submits that the representation given by the petitioner to the third respondent is pending consideration and as such a direction may be given to consider the same.

Learned Government Pleader for revenue though opposed the application states that representation given by the petitioner does not contain any date and there is any amount of doubt, as to whether any such application is pending before the third respondent-Tahsildar.

Having regard to the circumstances of the case and considering the rival submissions made, the third respondent is directed to consider the application of the petitioner if any made in the year 2011 and pass appropriate orders in accordance with law at the earliest.

Accordingly, the writ petition is disposed of.

As a sequel thereto, Miscellaneous Petitions, if any, pending shall stand closed.

JUSTICE C. PRAVEEN KUMAR

29-06-2015

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