

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.24047 of 2016

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ORDER:

This Writ Petition is filed alleging interference of the respondent authorities with regard to the possession and enjoyment of petitioner over land to an extent of Acs.2.24 guntas in Survey No.138/2 situated at Manuguru Village and Mandal, Khammam District, without following due process of law.

As can be seen from the material placed before this Court, the petitioner was assigned land to an extent of Acs.2.24 guntas in Survey No.138/2 situated at Manuguru Village and Mandal, Khammam District and necessary pattadar pass books were issued in her favour.

Learned Government Pleader on written instructions received from the Tahsildar's Office would submit that the petitioner had obtained patta from the in-charge Tahsildar, who had no authority to grant such patta. Inasmuch as the very grant of patta in favour of the petitioner is illegal, necessary proposals were made to the District Collector, Khammam seeking permission to cancel such patta and the same is pending. However, the learned Government Pleader would also submit that due process of law would be followed after receiving necessary instructions from the

District Collector.

It is to be noted that with respect to the land in question, there is no dispute with regard to the grant of patta in favour of the petitioner either by the in-charge Tahsildar or by the competent Tahsildar. In view of the same, possession and enjoyment of the petitioner over the land in question cannot be disturbed as long as the patta granted in favour of the petitioner is in tact. Though the learned Government Pleader submits that on enquiry, it was revealed that the petitioner is not cultivating and some third parties are cultivating the land in question and even the said allegation is taken to be true, yet, the respondents have to issue notice setting out the allegation and call for explanation from the petitioner and it is only thereafter, on the petitioner's explanation not being satisfactory, for the reasons to be recorded, cancellation of patta can be done.

Under those circumstances, this Writ Petition is disposed of directing the respondents not to interfere with the possession and enjoyment of the petitioner with respect to the land in question without following due process of law.

Miscellaneous Petitions, if any pending in this Writ Petition shall stand closed. There shall be no order as to costs.

CHALLA KODANDA RAM, J

1st AUGUST, 2016.

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