

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.24936 OF 2008

ORDER:

The case of the petitioners is that they are the residents of Thottambedu Village & Mandal living by cultivation and that the government in the year 1999 assigned small extents of land to the petitioners by granting DKT pattas vide proceedings dated 24.06.1999 and also issued pattadar pass books and title deeds to the petitioners. From the date of assignment the petitioners are in possession of the said lands by cultivating the same as per terms and conditions of DKT pattas and their families are depending on small extents of land assigned by the Government. It is also stated that the petitioners submitted their applications before the Additional Assistant Engineer, Southern Power Distribution Company for regularization of service connection to their lands and thereafter as per the notice issued by the said Additional Assistant Engineer the petitioner remitted required charges and got regularized their service connection to their lands. While so, the 4th respondent issued a notice dated 13.10.2008 asking the petitioners to submit explanation as to why the assignment made to them in respect of the subject lands shall not be cancelled and resumed to Government for providing house sites to the poor and down trodden people of

Srikalahasti Municipalities, subject to payment of Exgratia as per the guide lines issued in the G.O.Ms.No.1307 dated 23.12.1983. Challenging the said notice, present writ petition is filed.

The respondents filed counter affidavit stating that no attempts have been made by the respondents to take possession of the subject lands without following due process of law and that they proposed to resume the subject lands of the writ petitioners under the provisions of the G.O.Ms.No.1307, dated 23.12.1983 after payment of exgratia. It is also stated that after issuance of the impugned notice the petitioners have filed representation dated 05.11.2008 stating that they are not willing to part with their lands and requested for dropping of further proceedings and that without awaiting for final orders on the show cause notice issued have filed the present writ petition. It is further stated that out of Ac.107.56 of identified assigned lands in Thottambedu Village, except the writ petitioners the remaining assignees have given their consent statement to part with their lands subject to payment of Rs.3.47 lakhs per acre as already paid to the farmers in the vicinity and given their consent in writing and that the subject lands are also part and parcel of the compact block and required for

Government to provide house sites to the weaker section. It is further stated that the subject lands of the petitioners are in contiguity of the above Rajiv Nagar Colony and suitable for expansion of the existing colony and also development of infrastructure.

Learned counsel for the petitioners submits that without following due process of law the respondents cannot evict the petitioners and also submits that the impugned notice is issued for cancellation of pattas for the purpose of providing houses sites to the poor and down trodden people under Indiramma Housing Programme which is no longer in existence, as such, the so called public purpose for which the subject lands sought to be resumed to the Government does not survive and there is no requirement for resuming the lands belonging to the petitioners.

Learned Assistant Government Pleader for Revenue submits that still the subject land is required for public purpose for granting house sites to the poor and down trodden people as the subject land is suitable for that purpose. He also submits that as per the conditions of assignment the Government is empowered to use the assigned lands for public purpose by paying compensation to the assignees as per the G.O.Ms.No.259, dated 21.06.2016

issued by the Government. As such, the petitioners cannot have any grievance.

In this case, it is not disputed that the petitioners were assigned the subject lands. The only contention of the respondents is that the said land is required for public purpose for granting house sites to the poor and down trodden. The conditions of the Pattas granted to the petitioners in respect of the subject lands, does not prohibit resumption of the said lands to the Government for public purpose. Since the petitioners already filed representations and as contended by the learned counsel for the petitioners that they would file further explanation to the impugned show cause notice, the respondent authorities may consider the same if they still require the subject land for public purpose by following G.O.Ms.No.259, dated 21.06.2016 regarding payment of compensation.

In view of the above if the respondent authorities feel that the subject land is still required for public purpose, the respondent authorities shall consider the explanation that is going to be filed by the petitioners and pass orders by following the G.O.Ms.No.259, dated 21.06.2016 regarding payment of compensation. Till such exercise is done, interim order granted earlier by this Court shall continue.

Accordingly, the writ petition is disposed of. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

23.11.2016
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