

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 39688 of 2016

ORDER:

- 1) Heard learned counsel for the petitioners and Government Pleader for Revenue. With the consent of both the parties, the writ petition being heard at the admission stage itself.
- 2) The present writ petition came to be filed seeking issuance of writ of mandamus declaring the common order in R.C.A.No.858/ 2015, dated 04.04.2016 passed by the fourth respondent, as illegal, arbitrary and violative of principles of natural justice.
- 3) A perusal of the material on record would show that the Tahsildar-fourth respondent cancelled the house site pattas granted to the petitioners vide proceedings R.C.A.No.858/ 2015, dated 04.04.2016 directing them to approach the Revenue Divisional Officer, Adhoni within 90 days of the order by filing an appeal. Pursuant thereto, the petitioners herein are alleged to have made representation, dated 10.04.2016 before the Revenue Divisional Officer-third respondent. The petitioners claim that though the said representation was made on 10.04.2016, but no orders are passed on the representation and under the guise of the impugned order, the authorities are trying to dispossess the petitioners. The action of the respondents in trying to dispossess and change the entries in the revenue records is subject matter of challenge in this writ petition.

4) Government Pleader for Revenue submits that a direction may be given to the third respondent to pass orders on the representation made by the petitioners, in accordance with law.

5) Without going into the merits of the case and having regard to the submissions made, the present writ petition is disposed of, directing the third respondent to treat the representation dated 10.04.2016, made by the petitioners as appeal and pass orders on the said representation, after hearing all the concerned including the petitioners, in accordance with law, as expeditiously as possible, preferably, within a period of six (6) weeks from the date of receipt of a copy of the order. Till such time, the respondents shall not dispossess the petitioners from the subject land, except in accordance with law. There shall be no order as to costs.

6) Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

17.11.2016

Note: Issue C.C. in two days.

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