

THE HON'BLE SRI JUSTICE S.V.BHATT

W.P.Nos.31968, 32292, 32305 and 32318 of 2012

COMMON ORDER:

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The petitioners in these writ petitions are different but respondents are same and the prayers in these writ petitions are similar.

The petitioners pray for Mandamus declaring the action of respondents in cancelling pattas granted to petitioners in respect of the lands admeasuring Ac.3-00 gts., in Sy.No.134/155/T, Ac.3-00 gts. in Sy.No.134/155/S, Ac.2-38 gts., in Sy.No.134/68 and Ac.3-00 gts., in Sy.No.134/155/A respectively of Venkatapur Village and Mandal, Warangal District, respectively and assignment to third parties and dispossessing the petitioners as illegal, arbitrary and unconstitutional.

Learned Assistant Government Pleader has received instructions and made submissions basing on the instructions received by him from respondents.

The case of petitioners is that by considering their eligibility and availability of land, D-Form assignments were made in their favour. The D-Form pattas are subsisting as on date. Therefore, the respondents neither can dispossess the petitioners from their respective assigned lands nor assign the lands to third parties without passing appropriate orders on the assignments in favour of petitioners in accordance with law. Hence, the writ petitions.

The Assistant Government Pleader does not dispute the assignments in favour of petitioners. He submits that there are

irregularities and illegalities not only in the assignments in favour of the petitioners herein but also similarly situated persons in the neighbourhood. Therefore, the District Collector has ordered enquiry into the assignments made by the then Tahsildar. Upon enquiry, if it transpires that either assignments are made contrary to the extant Rules or a person not in possession of a particular piece of land was granted assignment, steps will be taken in accordance with law, the assignments would be cancelled and if possession is already given, the same will be taken back from the assignees. Adverting to the case on hand, he submits that though assignments were made, possession was not given to petitioners.

Having regard to the stand of respondents, I am not proposing to examine the grievance of petitioners. Prima facie, it appears to be premature. I consider it appropriate to record the stand taken by the Assistant Government Pleader and dispose of the writ petitions accordingly.

Hence, it is open to respondents to act in the matter in accordance with law while cancelling or dispossessing petitioners, if possession is already given to them.

Accordingly, the writ petitions are disposed of. No order as to costs.

Miscellaneous petitions, if any, pending shall stand closed.

S. V. BHATT, J

Dt: 23-08-2016
Prv

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Prv