

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

WRIT PETITION No.6458 OF 2016

ORDER :

In this Writ Petition, petitioner assails order dt.11.02.2016 of the 3rd respondent canceling the house site patta granted to the petitioner's mother on 07.08.2002 in respect of Ac.0.02 guntas of land in R.S.No.26 of Kothuru Village, Pedapadu Mandal, West Godavari District.

2. A reading of the said order does not show that any prior show cause notice has been given to the petitioner before canceling the patta granted to the petitioner's mother.

3. In the counter affidavit filed by the 3rd respondent it is vaguely stated that the writ petitioner was provided with opportunity to file his statement responding to the allegation that the house site patta was being used for other than dwelling purposes; and that he did not show any respect to the respondents and went away. It is also stated that later service of process is implemented as per law.

4. No material is placed before this Court by the respondents to show that any show cause notice was issued to the petitioner and served on him by any process, including 'Registered Post with Acknowledgment Due'. So, it is clear that there has been gross violation of principles of natural justice by the 3rd respondent.

5. Therefore, the impugned order is set aside; the respondents are directed to restore possession of the subject land to the petitioner within two (02) weeks from the date of receipt of a copy of this order. However, this will not preclude the respondents from following due process of law against the petitioner, if they wish to cancel the patta granted to the petitioner's mother.

6. The Writ Petition is allowed to the above extent. There shall be no order as to costs.

7. Consequently, Miscellaneous Petitions pending if any, shall stand closed.

M.S. RAMACHANDRA RAO, J

16th March, 2016.

Note: Issue C.C. in two days.

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