

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 29967 of 2011

ORDER:

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Heard learned counsel for the petitioners and Government Pleader for Revenue. With the consent of both the parties, the main writ petition is heard at the admission stage itself.

The present writ petition came to be filed seeking issuance of writ of mandamus declaring the impugned order in Ref.No.A/10/2007 dated 26.09.2011 issued by the respondent, as illegal, arbitrary and violative of principles of natural justice.

The averments in the affidavit filed in support of the writ petition would show that the petitioners were granted assignment of land admeasuring Ac.1.91 cents in Sy.No.2108 of Katteragandla Village, Sri Avaduta Kasinayana Mandal, Kadapa District vide DKT Patta Nos. 35/1413 and 36/1413 respectively and since then they are in possession of the said land. When the third parties started interfering with their possession, the petitioners filed O.S.No.177 of 2007 before the Junior Civil Judge, Badvel. Initially, temporary injunction was granted and later the said suit was decreed in their favour by granting permanent injunction. While so, the respondent issued a memo dated 05.09.2011 directing the petitioners not to cultivate the land, though the petitioners raised an objection with regard to the same, the respondent issued a notice dated 09.09.2011 stating that the petitioners have violated the terms and conditions of the DKT patta by not developing the land which was assigned to them. After receiving the said notice, the petitioners given an

explanation on 16.09.2011, but the respondent without properly considering the same issued the impugned proceedings. Challenging the same, the present writ petition came to be filed.

When the matter is taken up for hearing, the learned counsel for the petitioners submits that in view of the fact that the petitioners have got an opportunity to file an appeal, they may be permitted to avail such remedy, the same is not objected to by the Government Pleader for Revenue.

Having regard to the facts and circumstances stated above, the present writ petition is disposed of, directing the petitioners to prefer an appeal before the appropriate forum, in which event the same shall be dealt with in accordance with law, at the earliest. No order as to costs.

With the above direction, the Writ Petition is disposed of.

No costs. Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

**JUSTICE C. PRAVEEN
KUMAR**

09.02.2016
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