

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITON No.22426 OF 2011

ORDER:

This writ petition is filed challenging the communication in L.Dis (E4)/3037/2011, dated 22-06-2011, wherein the District Collector ordered the 4th respondent to cancel the DKT patta granted in favour of the petitioner.

Learned counsel for the petitioner submits that the impugned communication is passed without issuing the notice to the petitioner and the same is in violation of principles of natural justice. He also contends that the District Collector should not have directed the 4th respondent-Tahsildar for cancellation of patta, it is for the 4th respondent to take appropriate action as statutory authority.

Heard learned Assistant Government Pleader for Revenue, who submits that when there is violation of conditions of patta, it is open for the authorities to take action and no exception can be taken to that.

Counter affidavits are filed by the respondents 4 and 5.

Admittedly the Tahsildar is the competent authority to initiate action for cancellation of patta, if there is any violation of conditions of patta. But the District Collector without issuing notice to the petitioner, straightaway directed the Tahsildar, being the competent authority, to cancel the patta, as such, the same is in violation of principles of natural justice. Even otherwise, as the Tahsildar is the competent authority, the District Collector should not have issued the impugned communication interfering with the statutory function of the Tahsildar. On both counts, this Court feels that without going into other aspects of the matter, the impugned communication is liable to be set aside.

Accordingly, the writ petition is allowed and the impugned order is set aside. However, this will not preclude the competent authority from initiating appropriate action against the petitioner, if any violation of conditions of patta is found after following due process of law.

As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

26-10-2016

Nvl



