

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.17780 of 2012

ORDER:

Heard Mr. V. Srinivas for petitioners and the Assistant Government Pleader (Assignment).

2. Petitioners pray for Mandamus to declare the action of second respondent in proposing to allot the house site pattas granted to them in Sy.No.231/2, Wankidi Village, Adilabad District as illegal and unconstitutional. Petitioners further pray for a direction to respondents to demarcate the land in Sy.No.231/2, Wankidi Village, Adilabad District to identify the plots allotted to beneficiaries and enable the petitioners to construct the houses.

3. Second respondent filed counter affidavit and in para 2, the second respondent admits assignment in favour of petitioners and the steps taken by the department for resuming possession of subject plots, for the petitioners did not construct the houses within the time stipulated in the assignment orders. In this behalf, the second respondent refers to proceedings Rc.No.A/309/1992 dated 24.01.2011.

4. This Court directed the second respondent to produce the layout prepared and sanctioned at Sy.No.231/2, 238 and also file in Rc.No.A/309/1992 dated 24.01.2011. Learned Assistant Government Pleader would place for perusal of this Court the layout plan and location sketch of the plots allotted to petitioners.

5. The justification offered by second respondent for interfering with the possession of petitioners is that the second respondent resumed from assignees house plots on 24.01.2011 the land in Sy.No.231/1 and 238 and the land now is in the custody of Government. Admittedly, the counter affidavit does not refer to issuance of notice to petitioners either before canceling the assignment or while resuming possession from petitioners. On the short ground that the petitioners were not put on notice or given opportunity before canceling the assignment, I am satisfied the writ petition can be disposed of by this order.

6. Respondents are directed not to interfere with petitioners' possession of house plots allotted to them except in accordance with law. The proceedings dated 24.01.2011 vis-à-vis the petitioners concerned, it is made clear, are ineffective. The instant order does not prevent the second respondent, if circumstances so warrant, to issue notice why assignment made shall not be cancelled, afford opportunity and proceed in accordance with law.

The writ petition is disposed of above. As a sequel, the miscellaneous applications, if any pending, shall stand closed. There shall be no order as to costs.

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S. V. BHATT, J

September 14, 2016  
DSK