

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

WP No.19764 OF 2008

ORDER::

This writ petition is filed seeking to issue a writ of mandamus declaring the action of respondents in trying to dispossess the petitioners from the lands in their possession without following due process of law as being illegal, arbitrary and for issuance of appropriate consequential directions.

2. The grievance of the petitioners is that respondent no.2-Tahsildar, Kalidindi, Kalidindi Mandal, Krishna District, is trying to dispossess them from the lands situate in RS No.67/3, 4, 5, 6, 10, 11, RS No.67/8, 9, 10 and RS No.67/1, 67/2, 67/12 in Amaravathi Village, Kalidindi Mandal, Krishna District, respectively, though they were granted with D-Form pattas in respect of the said lands and they have been in possession for the last more than 30 years. That 2nd respondent issued show cause notice dated 23-08-2008 to them that the lands in question are required for construction of houses under the Indiramma Scheme and possession of the lands would be taken under Clause 17 of the D-Form patta conditions. It is stated that the petitioners filed their explanations on 01-09-2008 to the show cause notice dated 23-08-2008. Pending consideration of their explanations, the officials from the 2nd respondent's office orally asked the petitioners to vacate from the lands in question and hand over to the same to them. Hence, this writ petition.

3. Learned counsel for the petitioners contended that without cancelling the D-Form pattas granted to the petitioners, the 2nd respondent cannot dispossess the petitioners from the lands even in case the lands are required for public purpose of Indiramma Scheme, without following the due process of law. It is stated that no orders have been passed on the explanation dated 01-9-2008 submitted by the petitioners to the show cases notice issued to them till today.

4. Having regard to the fact that the petitioners have already submitted their explanation to the show cause notice issued to them by the 2nd respondent, without going into the merits or otherwise of the matter, the writ petition is disposed of directing the 2nd respondent to consider the explanation of the petitioners and pass appropriate orders thereon, in accordance with law, after giving notice and opportunity of being heard to them in the matter. Till then status-quo order granted by this Court on 11-09-2008 and extended until further order by order dated 27-04-2009 shall continue. Miscellaneous petitions, if any pending in this case shall also stand disposed of. No order as to costs.

A.RAJASHEKER REDDY, J

Dated: 01-12-2016
NRG

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY



W.P. No.19764 OF 2008

Date: 01-12-2016

//WEB//

NRG

