

THE HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

WRIT PETITION No. 37544 of 2016

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Revenue.

2. With the consent of both the parties, the Writ Petition is disposed of at the admission stage.

3. The present Writ Petition came to be filed seeking issuance of writ of Mandamus declaring the order passed by the second respondent herein in case No.D.Dis.E1.No.929/2012, dated 02.08.2016, canceling the assignment granted to the petitioner, in respect of land admeasuring Acs.1.20 cents in Survey No.174-1 of Pandipadu Village, AS Peta Mandal, SPSR Nellore District, without hearing the parties and without notice, as improper and arbitrary.

4. The facts which lead to filing of the writ petition are as under:

The petitioner herein who claims herself to be a landless poor person was assigned the above mentioned land. It is stated that the petitioner with her own efforts, removed the shrub growth and mounds, filled the pits and levelled the land for cultivation. Subsequently, the petitioner purchased different extents of land in Survey Nos.119, 114-2,114-3, 175-1 and 176-2, 16-1A and 92 of Pandipadu Village under different registered sale deeds and has been cultivating the same. It is her case that she has been in possession and enjoyment of the said land and her name was also recorded in the revenue records. It is stated that on the date of assignment, the

petitioner was not having any land and considering her eligibility, the petitioner was assigned above mentioned land admeasuring Ac.1.20 cents in Survey No.174-1 of Pandipadu Village. Later, it has come to the notice of the petitioner that One Rapuru Rosi Reddy and N.Chandra Sekhar Reddy of Pandipadu Village preferred a revision before the Joint Collector, SPSR Nellore District, against one Allampati Venkata Krishnaiah, who is her husband, alleging that he was assigned vast extents of land irregularly without approval of the assignment review committee. It is alleged that without hearing the petitioner the Joint Collector cancelled the assignment granted to the petitioner vide D.Dis.E1 No.929/2012, dated 02.08.2016. Challenging the said action, the present writ petition came to be filed. It is also stated that the second respondent has not initiated any proceedings for cancellation of the assignment granted in favour of the petitioner.

5. The main ground urged by the learned counsel for the petitioner is that the action of respondents is in total violation of principles of natural justice and as such the order under challenge may be set aside.

6. Learned Government Pleader for Revenue, on instructions, states that no notice was given to the petitioner and hence the impugned order is liable to be set aside.

7. Recording the said submissions, the order under challenge is set aside, insofar as the petitioner is concerned and consequently the Joint Collector, SPSR Nellore District is directed to pass orders afresh after hearing the petitioner, in accordance with law and by taking into

consideration all the objections raised by the petitioner. It is always open to the respondents to initiate appropriate remedy against the petitioner after giving prior notice.

8. With the above direction, the writ petition is disposed of.

9. Miscellaneous petitions, pending if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE C.PRAVEEN KUMAR

02.11.2016,
vhh

