

THE HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

WRIT PETITION No. 36140 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.2.75 cents in Survey No.323-2 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 himself to be landless poor person was assigned the above mentioned land. It is stated that the petitioner with his own efforts, removed the shrub growth and mounds, filled the pits and leveled the land for cultivation. It is his case that he has been in possession and enjoyment of the said land and his name was also included in the revenue records. While things stood thus, 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 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 assignment granted to the petitioner. Challenging the said action, the present writ petition came to be filed.

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 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.

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

27.10.2016,
vhh