

THE HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

WRIT PETITION No. 37246 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 with the following prayer:

‘For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon’ble Court may be pleased to issue a Writ or order or direction more particularly one in the nature of writ of Mandamus declaring the notice ROC No.493/2016 (A), issued by the fourth respondent thereby directing the petitioner to submit explanation within two days failing which a recommendation will be made to the third respondent for cancellation of patta as arbitrary, illegal and consequently direct the respondents not to cancel the patta and interfere with peaceful possession and enjoyment of the house constructed in the said patta and pass such order or other order as this Hon’ble Court may deem fit and proper’.

4. Learned counsel for the petitioner submits that though the petitioner submitted her explanation to the notice issued in the month of June, 2016, issued vide ROC No.493/2016 (A), the

authorities are trying to dispossess the petitioner without passing orders after explanation to the said notice.

5. Learned Government Pleader for Revenue submits that no action shall be taken without following due process of law.

6. As seen from the record, initially a notice was issued in the month of November, 2013 seeking explanation from the petitioner. Subsequently, in the month of June, 2016, second notice came to be issued asking the petitioner for her explanation. The grievance of the petitioner is that inspite of giving explanation to the notice issued, the authorities are trying to dispossess the petitioner from the land in question without passing any order to the explanation given.

7. Having regard to the above, the respondent-authorities shall not take any coercive steps for dispossessing the petitioner from the land in question, till appropriate orders are passed in accordance with law, to the explanation submitted by the petitioner to the notice issued in the month of June, 2016.

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.

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JUSTICE C.PRAVEEN KUMAR

01.11.2016,  
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