

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.14246 OF 2005

ORDER:

The present Writ Petition, under Article 226 of the Constitution of India, came to be filed with the following prayer:

“..to issue any writ, order or direction, more particularly one in the nature of writ of mandamus declaring the action of the respondent No.1 in cancelling the petitioner's ownership certificate dated 18.10.1995 for an extent of Ac.0.02 ½ cents in Sy.No.165/1A of Modekurru Village, Kothapeta Mandal, E.G. District vide order dt.24.06.2005 in Ref.No.J/999/2005 as illegal, arbitrary and violative of principles of natural justice and consequently direct the respondents not to dispossess the petitioner from the said Ownership Certificate property.”

2. The averments made in the affidavit filed in support of the writ petition would show that as the petitioner was a landless poor woman belonging to scheduled caste community, the 1st respondent herein- Revenue Divisional Officer (RDO) vide his proceedings No.J/5375/95, dated 01.11.1995 has granted ownership certificate for the house site in an extent of Ac.0.02 ½ cents in Sy.No.165/1A of Modekurru Village, Kothapeta Mandal, considering her long stay in the property prior to issuance of the certificate. The petitioner raised a small hut with two rooms and is residing in the said site. While the things stood thus, after lapse of a decade, a complaint came to be lodged by some third parties. Pursuant to which, a notice was issued by the respondents to show cause as to why the said certificate should not be cancelled. To which an explanation came to be submitted on 29.04.2005. But, the 2nd respondent, without considering the same, and without conducting proper enquiry, submitted a report, basing on which the impugned order came to

be passed by the 1st respondent. As the 2nd respondent is taking steps to dispossess the petitioner from the land in dispute, the present writ petition is filed.

3. By an order dated 01.07.2005, this Court while issuing *rule nisi*, granted interim stay of the impugned proceedings.

4. The case of the petitioner is that she is in occupation of the site. No counter is filed till date, but, however, the learned Government Pleader for Revenue, on instructions, would submit that the authorities may be directed to pass a fresh order after considering the explanation submitted by the petitioner.

5. Having regard to the submission made, the Writ Petition is disposed of directing the respondents to pass a fresh order, taking into consideration the explanation submitted by the petitioner, in accordance with law. It is needless to mention that the entire exercise should be completed within a period of eight (08) weeks from the date of receipt of a copy of this order. Till such time, *status quo* as on today shall be maintained.

Consequently, Miscellaneous Petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

JUSTICE C. PRAVEEN KUMAR

Date:03.08.2017
INL