

HON'BLE SRI JUSTICE S.V. BHATT

Writ Petition No.8060 of 2009

ORDER:

Heard Mr. K. Srinivas for petitioner and the learned Assistant Government Pleader (Land Acquisition) for respondents.

2. The petitioner challenges the action of respondents in acquiring an extent of Ac.0.21 cents in Sy.No.222/ 12 at Kakkalapalli Village & Post, Anantapur Rural Mandal and District, as illegal, arbitrary and unconstitutional.

3. This court on 20.04.2009 granted stay of dispossession of petitioner from the subject matter of writ petition. The respondents, filed counter-affidavit, refer to an agreement for acquisition of land, said to have been entered into between petitioner and respondents. The petitioner challenges the truth or otherwise of agreement or understanding between the parties. According to petitioner, he was and is in continuous possession and enjoyment and further has not obligated the petition land to respondents in any manner.

4. Be that as it may, the Tahsildar, through the Assistant Government Pleader, places on record letter in Rc.No.8/ 914/ 2011 dated 16.08.2017, which *inter-alia* refers to dropping acquisition of subject matter of the writ petition. The operative portion of the letter reads as follows:

“.....Further notices were issued to the above beneficiaries calling their explanation as to why the house site pattas should not be cancelled and resumed the said land to Government for violation of condition of house site patta. The above notices were served through substitute service as they refused to receive. But none of them appeared before the Tahsildar, Ananthapuramu and not offered their explanations to the notices. As such it has been construed that they have not any evidence in proof of occupation of house sites and failed to construct houses and residing and item No.2 & 8 are having another pucca houses which were constructed under Indiramma Housing Scheme other than these house sites and residing there itself. Hence for the aforesaid reasons the above 9 beneficiaries have violated house site patta conditions and their house site pattas granted earlier in

HSR.Dis.No.10/ 1416, Dated.19.06.2007 are liable for cancellation of house site pattas. Further the then Tahsildar, Ananthapuram has recommended for cancellation of house site pattas.

In the above circumstances, the house site pattas granted to them in HSR.Dis No.10/ 1416, dated 19.06.2007 is liable to be cancelled as they have violated conditions of house site patta and the extent of Ac.0.18 cents in Sy.No.222-12 of Kakkalapalli village of Ananthapuram Mandal may be restored to Sri Chitra Nagulapppa as he has not given consent to acquire the land under land purchase and not receive the land compensation and more over the piece of land is not required at this instance.

The District Collector, Ananthapuram has also issued orders for restoration of the petitioner's land i.e., 222-12 extent 0.21 cents of Kakkalapalli village as said land has not been acquired under land purchase scheme. Hence the petition may be disposed of as the land is still in possession of the petitioner."

5. From the above, it is clear that the respondents on their volition are not proceeding to pursue the alleged agreement on which they are relying upon. The grievance of the petitioner is substantially worked out.

6. The writ petition is ordered by making the interim direction as final order in the writ petition. Hence, the respondents shall not dispossess the petitioner from the subject land, except in accordance with law. No order as to costs. Pending miscellaneous petitions if any in this writ petition shall stand dismissed in consequence.

Date: 21.08.2017
BSS

S.V.BHATT, J

HON' BLE SRI JUSTICE S.V. BHATT

33

Writ Petition No.8060 of 2009



Date: 21.08.2017

BSS