

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.30611 OF 2016

ORDER:

This writ petition is filed seeking writ of mandamus declaring the proceedings bearing D.Dis.E1/447/2013 of the 2nd respondent/District Collector dated 22.07.2016 in cancellation of assignment pattas dated 14.10.1997 of the petitioners lands in Sy.Nos.734 & 735 to an extent of Ac.3.24 cents, Ac.4.88 cents, Ac.4.90 cents and Ac.4.99 cents respectively, situated at Chilakalamarri Village, Ananthasagaram Mandal, SPSR Nellore District without hearing, holding the petitioners are ineligible for assignment, thereby confirming the assignment dated 24.01.2005 of respondents 4 to 9 amounts to retrospective ratification of irregular assignment, as wholly arbitrary and illegal and consequently to direct the 2nd and 3rd respondents refraining from dispossession/interference with peaceful possession and enjoyment of the aforementioned lands covered by pattas granted on 14.10.1997 to the petitioners.

Heard learned counsel for the petitioners, learned Assistant Government Pleader for Revenue and Sri V.Vinod K.Reddy, learned counsel for the respondents 4 to 9.

Learned counsel for the petitioners submits that without giving an opportunity of hearing to the petitioners, impugned order has been passed by the 2nd respondent.

In the affidavit filed in support of the writ petition, it is stated that though the petitioner was issued notice and enquiry was scheduled to be held on 16.04.2016, but no hearing took

place on that day and it was informed by the staff of the 2nd respondent to the petitioners' advocate that as per practice, next date of hearing will be intimated. It is stated that petitioners are anxiously waited for the next date of hearing by issuance of necessary notice and that surprisingly, impugned order dated 22.07.2016 has been passed by the 2nd respondent, which is in violation of principles of natural justice. Aggrieved by the same, present writ petition is filed.

Learned Assistant Government Pleader for Revenue produced a record, in which it is found that counter has been filed on behalf of the respondents on 23.04.2016, which goes to show that the assertion made by the petitioners is not correct. Though there are several contentions raised by the learned counsel for the petitioners, admittedly, there is an alternative remedy available to the petitioners against impugned order.

In view of the same, I do not see any reason to entertain the writ petition and accordingly, the same is dismissed granting liberty to the petitioners to avail alternate remedy available to them under the provisions of the Act. Meanwhile, the interim order granted on 09.09.2016, which was extended from time to time, shall stand extended for a period of four (4) weeks, to enable the petitioners to avail alternate remedy. However, it is made it clear the appellate authority shall consider the stay application of the petitioners, in accordance with law, without being influenced by any of the observations made in this order.

There shall be no order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

03.04.2017
kvs



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