

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO.13683 OF 2008

ORDER:

The action of the respondents, in contemplating to reassign the lands of the petitioner covered by Survey No.139/3 of Thunugunta Village to third parties during the subsistence of the petitioners' assignment, is questioned in this Writ Petition as being arbitrary, illegal and violative of Articles 14, 21 and 300A of the Constitution of India.

In the counter affidavit filed by the Tahsildar, it is stated that the Tahsildar had cancelled the D.K.T. pattas by proceedings dated 23.04.2008 under B.S.O.15 para 1 to 3 D.Note.iii, and had taken the land into his possession on 29.04.2008. As the respondents had sought to reassign the lands, after taking possession thereof by proceedings dated 29.04.2008 consequent on the cancellation of these pattas earlier on 23.04.2008, they cannot be said to have acted contrary to law.

Sri Nimmagadda Satyanarayana, learned counsel for the petitioners, would submit that it would suffice if the petitioners are granted liberty to question the said order of cancellation in appropriate legal proceedings.

Mere pendency of this Writ Petition did not disable the petitioners from availing their remedy of an appeal. More than eight years have elapsed after the D.K.T. pattas were cancelled. Without expressing any opinion on whether or not an appeal against the order passed in the year 2008 can now be entertained, I see no reason to grant the petitioners the relief sought for in this

Writ Petition as the subject D.K.T. pattas issued to the petitioners were cancelled, and the land resumed, in the year 2008 itself.

The Writ Petition is, accordingly, dismissed. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand dismissed.

(RAMESH RANGANATHAN, ACJ)

17th February 2017
RRB

