

HON'BLE SRI JUSTICE S.V. BHATT

WRIT PETITION No.5545 of 2010

ORDER:

Heard Mr. P.Giri Krishna, for the petitioners, Assistant Government Pleader (Revenue) for respondents 1 to 4 and Mr. Lakshmikanta Rao for respondents 6 and 7.

The petitioners challenge the proceedings No.N/4890/2009 dated 31.12.2009 of 3rd respondent cancelling the house site pattas granted to petitioners in an extent of Ac.0.11 guntas in Sy.No.945 in terms of G.O.Ms.No.927 Revenue (ASSN.II) Department dated 01.09.2003. Respondent Nos.6 and 7 have taken up by filing writ petition, the grievance of assigning private patta lands by Government to petitioners herein. The extents of Government land and private patta land was taken up in the survey, pursuant to an order of this Court, it transpired in the survey that an extent of Ac.0.11 guntas of land belonging to respondents 6 and 7 was erroneously assigned to petitioners herein. The 3rd respondent on the ground of error in assignment cancelled the assignment of house sites in favour of petitioners and the said proceedings are impugned in the writ petition.

Counsel appearing for all the parties submit that a few developments during the pendency of the writ petition have taken place and these developments have bearing on the

proceeding impugned in the writ petition or confirmation of the assignment in favour of petitioners.

Counsel for respondents 6 and 7 submits that respondents 2 to 4, in lieu erroneous assignment of patta land to petitioners herein, granted alternate land to respondents 6 and 7 is conveyed to respondents 6 and 7 through Deed of Conveyance dated 20.03.2013. The Deed of Conveyance is placed on record.

I have perused the Deed of Conveyance and also taken note of the basis in the proceedings impugned in the writ petition. This Court is of the view that the basis for cancelling the assignment of petitioners is completely removed and that alternate land is granted to the respondents 6 and 7, the assignments of private patta land can *expost facto* be regularised. Hence, having regard to material on record and for the reasons recorded above, the proceedings dated 31.12.2009 are set aside, the matter is remitted to 3rd respondent to take note of subsequent developments and pass orders as are necessary for confirming the assignments, already made in favour of the petitioners.

Writ petition is ordered as indicated above. No order as to costs. Miscellaneous petitions, if any, pending, shall stand closed.

S.V.BHATT, J

Date: 30.08.2017
dv

