

HON'BLE SRI JUSTICE S. V. BHATT

Writ Petition Nos.40900 of 2016 and 22446 of 2017

COMMON ORDER:

Heard Mrs. J. Sumathi and Sri T. Surya Satish, for petitioners in these two writ petitions and the learned Assistant Government Pleader (Revenue) for respondents.

2. The petitioners challenge the proceedings No.B/ 2094/ 2016 dated 19.10.2016 of 2nd respondent, as illegal, arbitrary, violative of principles of natural justice and unconstitutional.

3. The operative portion of the proceedings impugned in the writ petitions, reads thus:

“...In view of the above request of the Tahsildar, Srcilla Mandal notices was issued to the assignees and interested persons to attend before the RDO, Srcilla with connected valid documents on 16.04.2016 and adjourned the case for 25.04.2016, 20.05.2016, 23.05.2016 and 28.06.2016, the persons who have attended before me was not submitted any documentary evidences and orally stated that, they have cultivating the land in Sy.No.27 situated at Mustipalli village of Srcilla Mandal.

In view of the above facts and as per report of the Tahsildar, Srcilla Mandal no one was enjoyment the land in Sy.No.27 trying to grab the land Government and not submitted any assignment patta certificate and valid documents for the Sy.No.27 of Mustipalli Village of Srcilla Mandal. As per powers vested with the Revenue divisional Officer u/s 7(2) of L.R.(T) Act, 1317 Fasli and u/s 166-B of A.P. (T.A) Land Revenue Act Fasli all assignments made in Sy.No.27 of Mustipalli village of Srcilla Mandal has been cancelled and the Tahsildar, Srcilla Mandal has directed to taken over the possession land in Sy.No.27 situated at Mustipalli village of Srcilla Mandal. Hence orders issued accordingly.”

4. The petitioners challenge the proceedings both on jurisdiction, merits of the matter and as violative of principles of natural justice. The writ petitions are considered and disposed of having regard to undisputed circumstance that individual/ personal notices to petitioners are not served, much less the copy of the report of 3rd respondent conveyed through Lr.No.B/ 808/ 2013, dated 08.03.2016 is communicated to petitioners recalling the assignments in favour of petitioners. The other two objections raised by the petitioners have to be considered for the first time by this court and such course would not be compatible with the nature of the allegations made against the petitioners. Therefore, to meet the ends of justice and also to provide opportunity of hearing to petitioners, on the short ground that the proceedings violate principles of natural justice, are liable to be set aside and accordingly, set aside.

5. The matter remitted to the Revenue Divisional Officer/ 2nd respondent for consideration and disposal in accordance with law. The 2nd respondent, if intends to proceed in the matter, is directed to serve copy of the letter dated 08.03.2016 of 3rd respondent, receive explanation from petitioners and pass orders after affording opportunity of hearing to petitioners.

6. The writ petitions are ordered accordingly. No order as to costs. Pending miscellaneous petitions if any in this writ petition shall stand dismissed in consequence.

S.V.BHATT, J

Date: 14.07.2017
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