

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 35582 of 2017

Date : 27.10.2017

Between :

G Eswaramma W/o Venkataramaiah
45 years, R/o Inagaluru village,
Sri Kalahasthi mandal, Chittoor district

Petitioner

And

The State of A P
Rep by its Principal Secretary,
Revenue Department, Secretariat,
Hyderabad and others

Respondents

The Court made the following:



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(on being mentioned)

ORAL ORDER:

Heard learned counsel for petitioner and learned Government Pleader for Revenue (A).

2. Learned counsel for petitioner submits that petitioner continued to be in occupation and enjoyment of the subject property and only now respondent authorities are trying to dispossess him and that he was not served with any notice before alleged resumption nor order of resumption was served on him.

3. Learned Government Pleader produced show cause notice dated 20.2.2010 wherein allegation of violation of the conditions of assignment and calling for explanation why assignment shall not be cancelled and also produced proceedings in Roc (A) 216 /2010 dated 8.4.2010 canceling the assignment granted to the petitioner and others. In the last paragraph of order dated 8.4.2010 Tahsildar clearly stated not only about cancellation of assignment but resumption of the land. Reading of the order of the Tahsildar would also show that petitioner herein in fact submitted explanation and said explanation was considered before resumption orders were passed and possession was taken. These proceedings are not challenged. There is no averment in the affidavit filed in support of the writ petition.

4. At this stage, learned counsel for petitioner sought to contend that petitioner was not afforded opportunity of hearing and no order of cancellation of assignment and resumption were served on him.

5. Proceedings dated 20.2.2010 and 8.4.2010 are not under challenge in this writ petition, therefore this Court is not expressing any opinion on the issue whether appropriate procedure was followed before canceling the assignment and whether petitioner continued to be in

possession even though proceedings dated 8.4.2010 reflect immediate resumption of the land.

6. In view of the orders dated 20.2.2010 and 8.4.2010 passed by the Tahsildar, no relief as sought for can be granted. Accordingly the writ petition is dismissed, leaving it open to the petitioner to work out remedies as available to him, if aggrieved by the proceedings dated 8.4.2010. No costs. Having regard to the same, miscellaneous petitions, if any pending, are closed.

P NAVEEN RAO,J

DATE:27.10.2017
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