

**THE HON'BLE SRI JUSTICE M.GANGA RAO**

**WRIT PETITION No.26067 of 2005**

**ORDER:**

This Writ Petition, under Article 226 of the Constitution of India, is filed seeking to declare the action of the 1<sup>st</sup> respondent in dismissing the petitioner's revision bearing No.BCW.1/234/2005 vide order dated 27.09.2005, as illegal and arbitrary.

2. The case of the petitioner, in brief, is that the Mandal Revenue Officer, Lingasamudram Mandal, granted 'D' Form patta under 'landless poor person' category to the petitioner in respect of the land admeasuring Acs.5.00 cents in survey Nos.190/4, 188/9, 187/5, 188/6, 188/5, 190/3 and 190/6 of Mogilicherla Village, Lingasamudram Mandal, Prakasam District vide proceedings in F.Dis.No.142/1408 dated 30.06.1999 and since then she has been in possession and enjoyment of the said land and cultivating the same. Thereafter, she was also issued with pattedar passbook and title deed bearing No.81464 in respect of said land.

3. While things stood thus, at the directions of the District Collector, the Revenue Divisional Officer, Kandukur, without conducting proper enquiry into the matter, submitted reports dated 05.01.2005 and 11.01.2005 stating that the petitioner is the only daughter of her mother, who got Acs.8-15 cents of land, and the petitioner was residing with

her mother jointly and at the time of inspection, two tractors were found in front of the house of the petitioner belonging to her husband. Based on the said reports, the Joint Collector issued show cause notice dated 25.01.2005 to the petitioner calling her to submit explanation as to why patta granted in her favour should not be cancelled under BSO-15 (18)(1). But due to ill-health, the petitioner could not submit her explanation to the said show cause notice. As such, the Joint Collector issued proceedings dated 14.03.2005 cancelling the 'D' Form Patta issued in favour of the petitioner. Aggrieved by the same, petitioner filed a Revision Petition along with stay application on 08.04.2005 before the 1<sup>st</sup> respondent-Commissioner, Appeals. Since no orders were passed by the 1<sup>st</sup> respondent, the petitioner filed W.P.No.9171 of 2005 before this Court, which was disposed on 28.04.2005 directing the 1<sup>st</sup> respondent to dispose of the revision petition and also directed to maintain *status quo* till disposal of the revision. Thereafter, the 1<sup>st</sup> respondent dismissed the appeal filed by the petitioner on 27.09.2005 by confirming the order of the Joint Collector. Aggrieved by the same, the petitioner filed the present writ petition alleging that the Mandal Revenue Officer was trying to dispossess her from the subject land.

4. Though this Court admitted the Writ Petition on 07.12.2005, no interim order was passed in favour of the petitioner.

5. In spite of granting sufficient adjournments, learned Government Pleader failed to file any counter. As the matter is pending since 2005, this Court proceeded for disposal of the writ petition basing on the material available on record.

6. Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue for respondents.

7. On perusal of the record, it is concluded that the revenue authorities failed to conduct proper enquiry with regard to petitioner's eligibility as on the date of granting patta in the year 1999 and whether the petitioner had suppressed any material facts, relevant for granting of patta. The petitioner's patta cannot not be cancelled merely on the grounds that the petitioner is the only daughter of her mother, who was having Acs.8-15 cents of land, petitioner was residing with her mother jointly and at the time of inspection two tractors were found in front of the house of the petitioner belonging to her husband. The petitioner was not given proper opportunity during the course of enquiry to putforth her case.

8. In view of the same, the order of cancellation of patta vide proceedings in Rc.E2-2505-2003 dated 14.03.2005 of the Joint Collector as confirmed by the 1<sup>st</sup> respondent in proceedings No.BCW.1/234/2005 dated 27.09.2005 are set aside and the matter is remanded back to the Joint Collector for fresh enquiry.

9. Accordingly, the Writ Petition is disposed of.

10. Miscellaneous petitions pending in this writ petition, if any, shall stand closed.

5<sup>th</sup> January, 2018.  
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**M.GANGA RAO, J**