

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.2205 of 2018

ORDER:

Heard the learned Counsel for the petitioners and the learned Government Pleader for the respondents.

It is the case of the petitioners that the Government wanted to allot house plots to poor people under Indiramma Housing Scheme and the list of beneficiaries was finalized in the month of August, 2008. The list was signed by the Village Revenue Officer, Gospadu, Mandal Parishad Development Officer, Mandal Praja Parishad, Gospadu and Special Officer, Mandal Praja Parishad, Gospadu, on 30.08.2008. The petitioners claim that they are in the list of beneficiaries. The plots were allotted to them. All the plots are of an extent of Ac.0.02 cents each and located in Survey Nos.372/2B, 372/1C2, 273/2A, 2B, 2C, 374/2, 375/1C2, 354/A, 353/A of Gospadu Village and Mandal, Kurnool District. The allotment was made on 02.04.2010 and pattas were given. Since the petitioners are poor persons, they could not make constructions on their own and their representation to the Housing Board did not yield any positive result. When they came to know that their pattas are going to be cancelled on the ground that houses were not constructed, they submitted a representation on 15.12.2016 to the Tahsildar requesting not to cancel the house site pattas. The petitioners further state that no facilities or amenities were provided in the colony for constructing the

houses and living there, and in spite of the same, now the house site pattas are cancelled by proceedings dated 27.10.2017. Challenging the said proceedings, the present Writ Petition is filed.

Learned Counsel for the petitioners submits that no time limit was prescribed in the house site pattas and the Revenue Divisional Officer has no jurisdiction to cancel the pattas. The action of the respondents is contrary to the Full Bench decision of this Court in **LAO-cum-Revenue Divisional Officer v. Mekala Pandu**¹. Further, it is submitted that the impugned action was taken on the alleged representation of respondent No.6 and other villagers and no opportunity was given to the petitioners for representing their case. In fact, the impugned order itself was not communicated.

Learned Government Pleader, on the basis of instructions, fairly submits that the petitioners were not heard before canceling their pattas.

In view of the submission made by the learned Government Pleader that no opportunity was given to the petitioners before canceling the pattas of the petitioners, the Writ Petition is allowed at the admission stage and the impugned order passed by the third respondent dated 27.10.2017 in respect of the petitioners is set aside. The

¹ 2004 (2) ALD 451

miscellaneous petitions pending in this Writ Petition, if any,
shall stand closed. There shall be no order as to costs.

25.01.2018
vs

(A.RAMALINGESWARA RAO, J)

