

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.5503 OF 2006

ORDER:

1. This writ petition is filed seeking to issue a writ of mandamus declaring the order of the respondent in proceedings No.C/168/05, dated 14.11.2005 and 11.11.2005 cancelling the allotment made in favour of the petitioners in respect of bhoodan land admeasuring Ac.0.20 gts each from out of Ac.3.00 in Sy.No.521 of Muttangi village, Patancheru mandal, Medak District, as illegal, arbitrary and violative of principles of natural justice and consequently, to direct the respondent not to interfere with the possession of the petitioners over the subject lands.

2. Heard Sri C.V.R. Rudra Prasad, learned Counsel for the petitioners and Sri Kiran Kumar Gattu, learned Counsel for the respondent.

3. It has been submitted by the petitioners that they were allotted Ac.0.20 gts of land each in Sy.No.521 of Muttangi Village, Patancheru Mandal, Medak District vide proceedings No.BYB/C/168/04, dated 6.12.2004 and they established a dairy farm, which is also an agricultural activity and while matter stood thus, the respondent issued a notice dated 16.6.2005 to the petitioners calling for explanation as to why the allotment of assigned land to them shall not be cancelled on the ground that some of them are minors, they belong to one family and they are not the permanent residents of Muttangi Village and they are the residents of Nampally. It has further been submitted that the petitioners submitted an explanation on 4.7.2005 denying all the grounds raised by the respondent while pleading that panchanama and report of the Mandan Revenue Officer, which are the basis for issuance of show cause notice, were not

furnished to them and the enquiry was conducted behind their back. Further, it has been submitted that without appreciating any of the contentions raised by the petitioners in their explanation to the show cause notice, the respondent cancelled the allotment of land in their favour on 11.11.2005 and 14.11.2005, and challenging the same, the present writ petition has been filed, and on 13.3.2007, this Court while admitting the writ petition passed order of status quo and by virtue of the said interlocutory order, the petitioners are in possession of the subject lands.

4. Sri Kiran Kumar Gattu, learned Counsel for the respondent has contended that the Mandal Revenue Officer is the competent authority to conduct enquiry with regard to allotment of the lands of the Boodan Yagna Board, and basing on the report of the Mandal Revenue Officer, the Boodan Yagna Board cancelled the allotment in favour of the petitioners.

5. The main grievance of the petitioners is that the enquiry was conducted behind the back of the petitioners by the Mandal Revenue Officer, and no opportunity was given to them so as to establish that they are the residents of Muttangi village. Considering the rival submissions made by the parties, without expressing any opinion on merits of the case, this Court feels that ends of justice would be met if a direction was issued to the respondent to conduct a detailed enquiry afresh so as to ascertain whether the petitioners are the residents of Muttangi village and whether some of them are minors by the time of allotment of the subject land, and pass appropriate orders afresh.

6. Accordingly, the respondent is directed to conduct a detailed enquiry afresh so as to ascertain whether the petitioners are the residents of Muttangi village and whether some of them are minors by the time of

allotment of the subject land, and pass appropriate orders afresh, within a period of six weeks from the date of receipt of a copy of this order, after giving opportunity of personal hearing to the petitioners. The orders of the respondent dated 11.11.2005 and 14.11.2005 are set aside.

7. With the above direction, the Writ Petition is disposed of. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

(ABHINAND KUMAR SHAVILI,J)

11th April, 2018
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11.4.2018

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