

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.2382 of 2018

ORDER:

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

It is the case of the petitioner that he was granted assignment in respect of the land of an extent of Acs.2.20 guntas situated at Mustipalli Village, Sircilla Mandal, Karimnagar District (presently Rajanna Sircilla District) in December, 1996, under the Laoni Rules issued under the Andhra Pradesh (Telangana Area) Land Revenue Act 1317 Fasli. He states that he has been in possession and cultivating the said land. While so, in January, 2015, the fourth respondent submitted a report to the Revenue Divisional Officer for correction of pahani entries and the application of the petitioner dated 30.03.2014 in the second revenue sadassu was also referred. When the third respondent by proceedings dated 19.10.2016 cancelled the assignment made to various assignees, including the petitioner, in respect of the subject land, the petitioner filed W.P.No.40900 of 2016 challenging the said order. This Court disposed of the said Writ Petition on 14.07.2017 remanding the matter to the third respondent and directing to serve a copy of the letter dated 08.03.2016 submitted by the fourth respondent to him, to receive the explanation and pass appropriate orders after giving opportunity of hearing to the petitioner. Pursuant to the same, the third respondent appears to have issued a memo on 30.12.2017 asking the petitioner to submit his explanation within seven days. The petitioner could not submit the explanation within the said period and the third respondent passed an order on 08.01.2018 promptly after waiting for seven days

ordering resumption of the land held by the petitioner pursuant to the assignment made in December, 1996. Challenging the same, the present Writ Petition is filed.

As stated above, this is the second round of litigation initiated by the petitioner. The only ground raised by the petitioner is that the petitioner could not submit his explanation within the time specified by the third respondent and if an opportunity is given to the petitioner, the petitioner would submit the explanation. Learned Counsel for the petitioner further submits that no excess land is in occupation of the petitioner and the petitioner continues to be in possession of the land originally assigned.

In the circumstances, liberty is given to the petitioner to submit the explanation within a period of ten days from today pursuant to the notice issued on 30.12.2017 and after receipt of the said explanation, the third respondent is directed to pass fresh orders in accordance with law. In view of the same, the impugned order dated 08.01.2018 to the extent of the petitioner is set aside.

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

(A.RAMALINGESWARA RAO, J)

29.01.2018

Note: Issue C.C in three days.

B/o.

vs