

THE HON' BLE SRI JUSTICE M. SEETHARAMA MURTI

Writ Petition No.23890 of 2017

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed seeking a Writ of Mandamus declaring the action of the 2nd respondent in issuing repeated notices, including the impugned notice in No.E4/ 802/ 2017, dated 19.06.2017, proposing to cancel DKT patta, which was granted *vide* proceedings in DKT.No.19/ 4/ 1395, dated 25.09.1985, as illegal, arbitrary and violative of Articles of the Constitution of India. A consequential relief to quash the afore-stated notice of the 2nd respondent is also sought.

In the light of the undisputed facts and the submissions of the learned counsel for the petitioner and of the learned Government Pleader for Revenue appearing for the respondents, this Court is of the considered view that the issue involved in the writ petition need not detain this Court for long.

The facts necessary for consideration, in brief, are as follows:

The petitioner's mother-in-law was granted DKT patta No.19/ 4/ 1935 in respect of land of a total extent of Ac.5.02 cents in Sy.Nos.57/ 3A, 280/ 1C, 280/ 2B and 281/ 1. Subsequently, the Mandal Revenue Officer, *vide* proceedings, dated 28.03.1986, cancelled the said patta. Being aggrieved of the said action, the petitioner's mother-in-law filed an appeal before the Revenue Divisional Officer, Tirupathi. The said Officer by his proceedings, dated 31.12.1992, allowed the appeal. The said order of the RDO has become final. While the matter stood thus, when certain villagers tried to interfere with the petitioner's husband's peaceful possession of the subject land, a suit in OS.No.184 of 1993 was filed by the husband of the petitioner and others against the said persons for perpetual injunction; and, temporary injunction was granted. Later the said suit was decreed, on 07.06.1999. While so, on the alleged representation of the said persons, the District Collector issued a

notice, dated 19.08.1998, calling upon the petitioner's husband to appear before him for consideration of the validity of the assignment made in favour of the petitioner's mother-in-law. Aggrieved thereof, the petitioner's husband filed WP.No.26470 of 1998. This Court, having considered the facts and the Rule position obtaining *vide* Board Standing Order 15 (para 18), held that the said notice is one without authority of law and allowed the writ petition, on 16.06.1999. However, a show cause notice, dated 24.11.1999, was issued proposing to cancel the patta stating various grounds. Therefore, a Contempt Case in CC.No.906 of 2000 was filed. Thereafter, having regard to the notice, dated 05.07.2000, issued in the contempt case and the orders of this Court in the afore-stated writ petition, the Joint Collector by an order, dated 14.08.2000, withdrew the notice, dated 24.11.1999. Subsequently, on the submission of the counsel for the husband of the petitioner that the afore-said order of this Court in the above said Writ Petition is complied with, the Contempt Case was closed by orders, dated 20.12.2000.

At the time of hearing, a copy of the earlier notice, dated 24.11.1999, is produced before the Court for perusal and examination of the contents of the same in juxtaposition with the contents of the impugned notice. A perusal of the two notices reflects that the impugned notice was once again issued with the self same grounds, which were mentioned in the afore-said notice, dated 24.11.1999. Hence, the facts and events lay bare that the impugned notice is not valid under law and is liable to be set aside.

In the result, the Writ Petition is allowed as prayed for. There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

M. SEETHARAMA MURTI, J

26.06.2018
Vjl