

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

WRIT PETITION NO.5636 OF 2005

ORDER:

This writ petition is filed seeking to declare the proceedings of the second respondent in Reference No.C.197/95, dated 5.12.1995, which was communicated through endorsement dated 7-2-2005, as illegal and arbitrary.

2. It is the case of the petitioner that he is a retired Army person and, on his application, the second respondent by proceedings dated 30-11-1978 assigned an extent of land admeasuring Ac.5-00 cents in Sy.No.937/1, situated at Atluru village, Kadapa District under Ex-servicemen quota. Since then, he has been in possession and enjoyment of the said land and thereafter pattadar pass books were also issued in his favour. While so, the second respondent issued an endorsement, vide reference No.197/95, dated 7-2-2005, cancelling the patta granted to the petitioner.

3. Heard.

4. A perusal of the proceedings in reference No.C.197/95, dated 5-12-1995, issued by the second respondent would show that basing on the report of Village Administrative Officer, the assignment granted to 67 Military Personnel including the petitioner was cancelled on the ground that since 16 years after the allotment, no development has been taken up by them and they violated the assignment rules.

5. Smt.M.S.Vasantha, Assistant Government Pleader, stated that the land of the petitioner was redeemed by the Government and house site pattas were allotted to the weaker sections of the people. The beneficiaries have raised constructions and are in physical possession and enjoyment of the property. She filed certain documents before this Court to that effect.

6. As the petitioner was dispossessed way back in the year 1995 and there are other beneficiaries in the land by raising constructions, this Court is of the view that the petitioner cannot be put back in possession of the subject land and hence no relief can be granted to the petitioner in that regard. Insofar as cancellation of petitioner's patta by the second respondent vide his order dated 05.12.1995 is concerned, the second respondent cancelled the patta unilaterally without notice to the petitioner, as the order is silent with regard to the issuance of show cause notice to the petitioner. The said action of the second respondent is illegal and violative of principles of natural justice. A responsible officer of the State cannot act highhandedly and hence the impugned order is held contrary to law and against principles of natural justice and is liable to be set aside.

7. In view of the above, the writ petition is disposed of, setting aside the proceedings of the second respondent in Reference No.C.197/95, dated 5-12-1995. The petitioner is at liberty to make a representation to the first respondent for allotment of alternative land, and on receipt of such representation, the first

respondent shall consider the same and allot suitable alternative land in an extent of Ac.5-00 guntas to the petitioner, as expeditiously as possible. No order as to costs. As a sequel, the miscellaneous petitions pending if any shall stand closed.

T.AMARNATH GOUD, J

Date: 13-07-2018
TJMR



Result para in W.P.No.5636 of 2005:

Accordingly, the writ petition is allowed, setting aside the proceedings of the 2nd respondent in Reference No.C.197/95, dated 5-12-1995. No order as to costs. As a sequel, the miscellaneous petitions pending if any shall stand closed.

