

**THE HON'BLE SRI JUSTICE S.V.BHATT**

**W.P. No.5232 of 2015**

**ORDER:**

Heard Mr.Vedula Srinivas for petitioners and the Assistant Government Pleader for assignment.

The petitioners challenge proceedings of 4<sup>th</sup> respondent in Ref.No.B.202/2014 dated 31.12.2014, as arbitrary, illegal and unconstitutional and consequently set aside the same by restoring the assignment and enjoyment of the petitioners of agricultural land covered in an extent of Ac.03-00; Ac.05-00; Ac.05-00 in Sy No.85/3; 85/4; 85/5, in favour of petitioners respectively.

The 4<sup>th</sup> respondent through the impugned proceedings cancelled the assignment made in favour of several eligible beneficiaries including the petitioners herein.

The subject matter of writ petition is confined to the extents referred to above. The assignment was cancelled by referring to two circumstances, namely that the petitioners are exploiting mineral from the assigned land instead of undertaking agricultural operations and further the subject matter is not brought under cultivation within three (03) years from the date of assignment.

The Assistant Government Pleader draws the attention of the Court to the orders of appellate authority in Appeal No.A1/3973/15 dated 23.05.2016 filed by 83 persons aggrieved by the very same order dated 31.12.2014. The Revenue Divisional Officer after examination of record and physical enjoyment has restored the assignment in favour of a few assignees and where the assignees have contravened the terms of assignment, the Revenue Divisional Officer confirmed the orders of 5<sup>th</sup> respondent. Insofar as the petition land is concerned, the appellate authority specifically notes that the same is subject matter of W.P.No.5232 of 2015 and hence, no order was passed.

Be that as it may, on 14.03.2018, this Court granted time at the request of the respondents to place before the Court, the enjoyment details of petition land as on date. The Assistant Government Pleader places before the Court, the photographs received for all the three sub-divisions. From the photographs, it is clear that, the general presumption with which the assignments of petitioners are cancelled by the 5<sup>th</sup> respondent, is unsustainable and at this length of time, this Court is of the view that petitioners need not be directed to work out the remedy of appeal.

Having regard to the information placed before the Court, with the consent of counsel appearing for the parties, the order impugned in the writ petition insofar as petitioners are concerned, are set aside. The petitioners are given liberty to submit representation to 4<sup>th</sup> respondent on the actual enjoyment of assigned land. On receiving the said representation, orders as are deemed fit to regularize the assignment are passed.

Writ petition is accordingly disposed of. No order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.

Dt: 22.03.2018  
dv

**S. V. BHATT, J**



