

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.21819 OF 2014

AND

CONTEMPT CASE No.2379 OF 2017

COMMON ORDER:

The writ petition and the contempt case are taken up together for disposal with the consent of the learned counsel for both parties.

The petitioners are ex-service men and filed the writ petition challenging the action of the fourth respondent in trying to dispossess them without giving any notice by putting a Board stating that the land belongs to the Government. The case of the petitioners is that they were allotted house site pattas in respect of plot Nos.1 to 4 in an extent of 200 square yards each situated in Survey No.106 of Mubarak Village, Nizamabad District, keeping in view their service in the defence. The pattas were issued by the competent authority on 01.10.2003 and the petitioners have been in possession since then. It appears that the Police Department submitted an application to the Government to allot lands for the purpose of housing society and when there was interference, the petitioners filed W.P.No.3492 of 2006 and the same was allowed by this Court on 04.04.2008 by setting aside the letter of the Sub Inspector of Police, but giving liberty to the respondents to pass appropriate order, pursuant to the show cause notice, dated 17.03.2006, and the explanation submitted on 06.04.2006. It appears that no final orders were passed on the explanation submitted by the petitioners, but another show cause notice was issued on 04.09.2008.

The learned Government Pleader submits that the prayer in the writ petition is misconceived since two show cause notices were issued before filing the present writ petition and the petitioners already responded to the first show cause notice on 06.04.2006.

The learned counsel for the petitioners submits that in spite of rejection of the proposal to allot the land to the Police Department by Memo, dated 11.01.2007 by the erstwhile Government of Andhra Pradesh. The respondents 3 and 4 are issuing show cause notices in order to deprive the petitioners of their lands, which were allotted to them by following due process of law.

When this Court granted interim direction on 03.09.2014, alleging violation of the same, the petitioners filed C.C.No.2379 of 2017.

Now a detailed counter affidavit is filed by the Government and the averments made therein need not be traversed in the present order as the writ petition is being disposed of in view of issuance of show cause notice and submission of explanation by the petitioner earlier.

In view of long lapse of time and in view of change of circumstances, it is open to the respondents to issue a fresh show cause notice and the petitioners are given liberty to submit explanation to the said show cause notice as and when it is issued. But it is needless to observe that till a proper reasoned order is passed by the respondents pursuant to the show cause notice proposed to be issued, the petitioners shall not be evicted from the lands in their possession, which were allotted to them on 01.10.2013.

The writ petition is accordingly disposed of. Consequently, miscellaneous petitions pending, if any, shall stand closed.

In view of the disposal of the writ petition as aforesaid, no further orders are required in the contempt case and the contempt case is accordingly closed.

A.RAMALINGESWARA RAO, J

04.04.2018
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