

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION NO.7899 OF 2007

ORDER:

1. This writ petition is filed seeking to issue a writ of mandamus declaring the proceedings in Rc.No.B.3929/2006, dated 7.4.2007 including the proceedings of the 1st respondent dated 21.2.2007 in G4/697/2007, as illegal and arbitrary, and consequently, to direct the respondents not to interfere with the possession and enjoyment of the petitioner over the land of an extent of Ac.2.12 cents in Surepalli Village, Musunur Mandal, Krishna District.

2. Heard Ms. Deepika Gadde, learned Counsel for the petitioner and the learned Government Pleader for Land Acquisition.

3. It has been submitted by the learned Counsel for the petitioner that the petitioner is an agricultural coolie and he has no landed property and during the year 1970, the petitioner and other agricultural labourers were permitted by the Revenue Authorities to reclaim the waste land by removing the wild growth of bushes and cultivate the same with food grain crops and that the Revenue Authorities granted Ac.2.12 cents of land in Sy.No.146/4 in Surepalli to the petitioner and since then, the petitioner has been in enjoyment of the said land, and while so, the 1st respondent issued a notice dated 23.12.2006 to the petitioner intimating that the land assigned to him would be resumed for the purpose of allotting the same to the landless poor as house sites, and that the petitioner was directed to file objections to the said notice, for which he submitted objections on 12.1.2007 and thereafter, it appears that the District Collector passed orders rejecting the case of the petitioner vide orders dated 21.2.2007. It has

been further submitted that the Revenue Divisional Officer issued notice dated 7.4.2007 to the petitioner informing him to appear on 11.4.2007 so as to receive the amount of compensation on the said date. It has been contended by the learned Counsel for the petitioner that the District Collector's order dated 21.2.2007 was never communicated to the petitioner and straightaway the Revenue Divisional Officer issued notice dated 7.4.2007 directing him to appear before him on 11.4.2007 and receive the amount of compensation as determined by them.

4. The learned Government Pleader contends that the petitioner violated the terms of assignment and therefore, the land in question has been resumed, but, in view of the interlocutory orders passed by this Court on 17.4.2007 staying all further proceedings including eviction of the petitioner from the land in question, the respondents could not resume the land.

5. I have considered the rival submissions made by the parties. The main grievance of the petitioner is that the order passed by the District Collector dated 21.2.2007 was not communicated to him, and non-communication of the order of the District Collector, dated 21.2.2007 whereunder the land of the petitioner was resumed, amounts to violation of principles of natural justice, and that without communicating the orders of the District Collector, the respondents cannot resume the land of the petitioner.

6. Non-communication of the order of the District Collector dated 21.2.2007 is not disputed by the respondents. In the year 2007 i.e., on 7.4.2007, the Revenue Divisional Officer, Nuzvid directly issued notice to the petitioner informing him to appear before him to receive the amount

of exgratia in lieu of resumption of his land in pursuance of the orders issued by the District Collector, Krishna dated 21.2.2007. The said action of the respondents is not sustainable.

7. Further, it is pertinent to note that by virtue of the interlocutory order passed by this Court on 17.4.2007, the petitioner has been in possession and enjoyment of the subject land. At this length of time, it is not known as to whether the respondents really require the subject land for the purpose of distributing the same to the landless poor or not. If the respondents really require the subject land to distribute the same to the landless poor under Indiramma Housing Scheme, they are at liberty to do so only after considering the objections already filed by the petitioner on 12.1.2007 and after passing orders afresh. Therefore, the proceedings impugned dated 7.4.2007 and 21.2.2007 are set aside. The petitioner is directed to submit a representation afresh to the respondents concerned. On such representation being filed, the respondents are directed to consider the same and pass appropriate orders, within a period of eight weeks from the date of receipt of a copy of this order.

8. Accordingly, the Writ Petition is disposed of. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

(ABHINAND KUMAR SHAVILI,J)

Dated: 28th March, 2018
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