

HON'BLE SRI JUSTICE S.V.BHATT

W.P.No.11428 OF 2018

ORDER:

Heard Mr.A.Chandraiah Naidu for petitioner and the learned Assistant Government Pleaders for Revenue and Assignment.

The petitioner prays for the following relief:

“....the Hon'ble Court may be pleased to issue a writ direction/directions order or orders more particularly one in the nature of a writ of Mandamus declaring the impugned Order in Proceedings No BCW2/8/2018 dt. 22.2.2018 passed by the 2nd respondent as illegal, arbitrary and violation of principles of natural justice and consequentially set aside the same in the interest of justice and pass....”

It is the case of petitioner that he was granted DKT patta vide patta No.83/4/96 dated 04.11.1986 by the then Tahsildar, Chandragiri and later pattadar passbook and title deeds were issued. Since then, he is in possession and enjoyment of the land. While so, when G.Bhaskar and Ugranam Sekhar Babu tried to encroach upon his land, the petitioner filed suit O.S.No.395 of 2011 in the Court of the Principal Junior Judge, Tirupati for permanent injunction and the suit was decreed by judgment dated 10.03.2015. The petitioner represented to the respondents to evict the illegal encroachments, but for the reasons unknown and on encouragement of respondents, the encroachers filed W.P.No.10205 of 2011. Pursuant to the disposal of the writ petition, the respondents, instead of taking steps to dispossess the encroachers, submitted false report to 3rd respondent recommending cancellation of patta granted to petitioner. The 3rd respondent issued show cause notice to the said

effect and without considering the contentions of the petitioner, the 3rd respondent, by order D.Dis.(E4)/1574/2017 dated 18.12.2017 cancelled the DKT patta. Aggrieved, the petitioner filed appeal before the 2nd respondent/Chief Commissioner of Land Administration along with an application for stay. The 2nd respondent declined to grant stay by referring to classification. Hence, the writ petition.

The grounds for cancellation of assignment are different and according to petitioner, a new ground is conceived to refuse the interim prayer made by the petitioner. The revision is already admitted. The case is required to be heard on merits and disposed of.

Having regard to the above facts and circumstances of the case, the 2nd respondent considers disposing of appeal as expeditiously as possible, preferably within three months from the date of receipt of a copy of this order. To meet the ends of justice and to ensure balance of convenience, pending revision, the parties are directed to maintain *status quo* as regards possession and physical features till the disposal and communication of the order to the petitioner.

The writ petition is, accordingly, disposed of. There shall be no order as to costs.

Pending miscellaneous petitions, if any, stand closed.

S.V.BHATT, J

13th June, 2018
Lrkm