

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.14208 OF 2018

Dated 23rd April 2018

Between:

1. C.Nagalaxmi, W/o.C.Yerry Swamy and four others.

...Petitioners

And

1. The State of Andhra Pradesh, rep.by its Principal Secretary, Revenue Department, Secretariat Buildings, Amaravathi and three others.

...Respondents

The Court made the following:



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ORDER:

1. Heard learned counsel for the petitioners and the learned Government Pleader for Revenue appearing for the respondents.

2. Petitioners allege that they were granted house site pattas in the year 2013 and they are in force. However, the respondent-authorities are trying to induct some new persons into the subject land and the said action is illegal.

3. Learned Government Pleader for Revenue, on instructions, submits that the petitioners are not in occupation of the house site pattas allotted to them; the Government recently formulated a new housing scheme and since the subject land is idle and unutilized by the petitioners, the Government intends to undertake construction of houses for weaker sections and to allot the same to the beneficiaries.

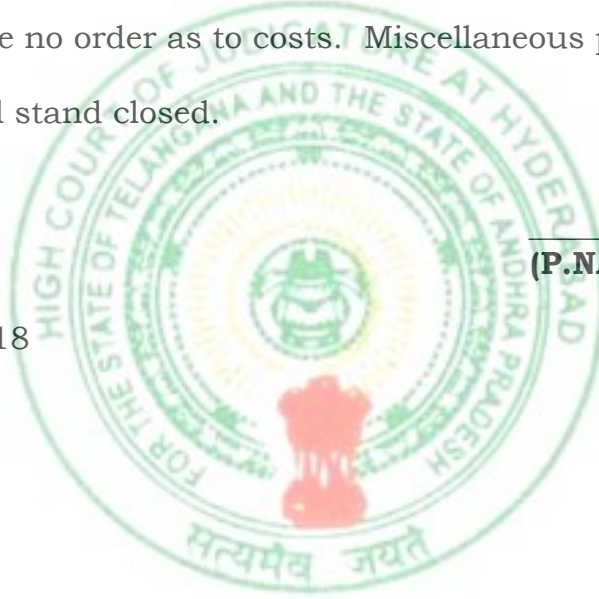
4. Admittedly, no procedure was followed while cancelling the house site pattas already granted to the petitioners. Even assuming that the statement of learned Government Pleader is true that the land allotted to the petitioners is not utilized, the competent authority has to follow due procedure before taking further steps. Thus, the action of the respondent-authorities in seeking to take possession and utilize the subject land for some other purpose depriving the assignment already granted is not valid.

5. Therefore, if the respondent-authorities intend to take any action against the petitioners, they shall follow the due procedure after putting the parties on notice and affording them due

opportunity of hearing and then take further action. However, learned counsel for the petitioners fairly submits that if the petitioners are allotted constructed houses under the housing scheme according to their eligibility, they have no objection to surrender their house plots but before undertaking such exercise, they should be given due opportunity. Until the exercise in accordance with law is undertaken or petitioners are assured of allotting the constructed houses as per the housing scheme, no new person shall be inducted into the subject land.

6. With the above observations, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

23rd April 2018
RRB



(P.NAVEEN RAO, J)