

THE HON'BLE SRI JUSTICE S.V.BHATT

W.P. No.14397 of 2018

ORDER:

Heard Mr.T.Rajinikanth Reddy for petitioners and the learned Assistant Government Pleader for respondents.

The petitioners challenge the order of the 4th respondent No.B/120/2017, dated 10.07.2017 resuming house site pattas granted to petitioners as illegal, arbitrary and unconstitutional.

On 24.04.2018, the writ petition was adjourned to enable the respondents to place before the Court, the order of resumption as well as procedure followed, while passing the order dated 10.07.2017.

Respondent No.4 has made available Xerox copies in File No.B/159/2006.

Basing on the written instructions, the Assistant Government Pleader has made his submissions.

The principal objection of petitioners is that the petitioners were not firstly put on notice, much less afforded opportunity while proposing to resume house plots granted in their favour. The 4th respondent relies

on notice dated 28.06.2017 to show that fair opportunity was afforded to assignees before resuming the house plots. Now, the short point for consideration is whether the notice dated 28.06.2017 can be treated as complying with requirements of principles of natural justice and whether in fact the notice has been served on the petitioners.

The perusal of notice dated 28.06.2017 discloses that the 4th respondent is not bothered even to refer the names of assignees whose house site pattas are proposed to be cancelled and house plots are to be resumed, which notice was marked to all concerned Grampanchayats and the Offices of Tahsildar.

Prima facie, the ground of resumption and the manner in which cancellation of house site pattas is ordered, this Court is of the view that the resumption violates principles of natural justice and therefore the order in file No.B/159/2006 dated 07.01.2008 is set aside. The order dated 10.07.2017 can be directed to be treated as show cause notice. Hence, the petitioners are given four weeks time from today to file their reply against the show cause notice. The petitioners are also

given liberty to raise all legal objections available against the ground for cancellation.

Normally, this Court would have relegated the petitioners to work out their remedies by filing appeal before the Collector. But, in the case on hand, a direction was already issued to produce resumption proceedings and place before the Court the compliance of principles of natural justice. Having regard to the admitted fact situation, writ petition is entertained and the above order is passed.

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

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

Dt: 05.06.2018
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S. V. BHATT, J

