

HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.18494 of 2009

ORDER:

Heard Mr.Surendra Desai for petitioners and the learned Assistant Government Pleader for respondents.

The petitioners claim to be landless poor persons and considering their eligibility for allotment of house sites, the 1st respondent issued Possession Certificates, dated 12.02.2009.

The cause of action for filing the writ petition is that respondents 2 and 3 on the proposal forwarded by 1st respondent are trying to cancel the Possession Certificates, without recourse to law, and are continuing to disturb the possession of petitioners. Hence, the writ petition.

Mr.Surendra Desai fairly states that a Writ of Mandamus is not normally considered by this Court on a proposal pending before respondents. He justifies filing of writ petition by drawing the attention of the Court to the attempts made by respondents to interfere with the possession of petitioners in respective plotted area or trying to change the physical features.

The 1st respondent filed counter affidavit and most of the allegations made in the affidavit are not disputed.

The 1st respondent raises an issue on the eligibility of petitioners for house site pattas. He admits that the proposals

have been sent to respondents 2 and 3 for action in accordance with law.

This Court keeping in view the admitted fact position namely issuance of possession certificates and also a proposal sent by 1st respondent to respondents 2 and 3 for cancellation of possession certificates and interference by respondents 1 to 3, the writ petition is disposed of by this order.

The respondents are directed not to interfere with the petitioners' possession of respective plots for which possession certificates were granted as long as possession certificates are in force. If a decision is proposed for cancellation of Possession Certificates, the same shall be in accordance with law, after issuing notice to petitioners and giving them an opportunity of being heard.

Miscellaneous petitions, if any, pending, shall stand closed.
No order as to costs.

Dt: 21-03-2018
Prv

S. V. BHATT, J

THE HON'BLE SRI JUSTICE S.V.BHATT



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Prv