

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 21307 of 2007

ORDER:

This writ petition is filed, under Article 226 of the Constitution of India, by the petitioners seeking a writ of mandamus to declare the action of the respondents in trying to dispossess them from the allotted plots, as illegal and arbitrary. A consequential direction is also sought to direct the respondents not to dispossess the petitioners from the allotted plots without following due process of law.

2. Heard Mr. K.V. Bhanu Prasad, learned counsel for the petitioners, and the Government Pleader for revenue (AP) appearing for the respondents.

3. It has been submitted by the learned counsel for the petitioners that the petitioners are landless poor and belong to weaker sections. They submitted applications to the respondent authorities seeking grant of house sites in their village. Having found that they are eligible for grant of house sites, the respondent authorities granted house site pattas in favour of the petitioners way back in the years 1984 and 1998. Thereafter, the petitioners constructed houses in their respective plots and are residing therein. While matters stood thus, the respondent authorities tried to dispossess the petitioners from their respective plots on 25.09.2007 and 30.09.2007 on the ground that they had not complied with the conditions of assignment. In those set of circumstances, the petitioners filed the present writ petition.

4. On 12.10.2007, while admitting the writ petition, this Court passed an order in W.P.M.P.No.27643 of 2007 directing the respondents not to dispossess the petitioners without following due process of law.

5. The counsel for the petitioner contends that by virtue of the said interim order, the petitioners are in possession of the house sites, and so far, the respondent authorities have not initiated any proceedings.

6. Learned Government Pleader for Revenue appearing for the respondents submits that since the petitioners had violated certain conditions of assignment, the respondent authorities intended to cancel the pattas granted in their favour.

7. I have considered the submissions made by the parties. This Court is of the considered opinion that if the petitioners have violated any of the conditions of assignment, it is always open for the respondent authorities to issue a show cause notice to the petitioners, and then only they can cancel the pattas granted in favour of the petitioners, but the petitioners cannot be dispossessed from the house sites in which they are living for more than two to three decades, without following due process of law.

8. Accordingly, the writ petition is disposed of with a direction to the respondents not to dispossess the petitioners from the plots allotted to them without following due process of law.

Consequently, miscellaneous petitions if any pending in the writ petition shall stand closed. There shall be no order as to costs.

ABHINAND KUMAR SHAVILI, J

14th March, 2018
cbs



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(disposed of)

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