

HON'BLE SRI JUSTICE S.V.BHATT

W.P.No.21813 OF 2018

ORDER:

Heard Mr.Jagadiswar Reddy for petitioner.

The petitioner challenges proceedings No.A1/2493/09 dated 01.06.2018 of 3rd respondent, as illegal and violative of principles of natural justice.

The 3rd respondent through the proceedings impugned in the writ petition directed cancellation of Plot No.301 in Sy.No.399 of Sankepally Village, Vemulawada Mandal, allotted to petitioner under relief and rehabilitation package and further directed allotment of plot at a different place.

This Court, on 27.06.2018, called for report from the District Collector/2nd respondent. The 2nd respondent has filed detailed report adverting to all the circumstances preceding the proceedings impugned in the writ petition and also the steps taken by the department for cancellation of the plot allotted to petitioner. The controversy centres round 68 square yards on which the case of petitioner is that villagers have installed an idol there and to appease the villagers, the proceedings impugned are issued without following the principles of natural justice cancelling allotment of Plot No.301 made in favour of petitioner.

On the other hand, the stand of respondents 3 and 4 is that the petitioner extended the enjoyment into neighbouring 68 square yards vacant plot. Such extension of enjoyment is contrary to the allotment made in favour of petitioner. Therefore, the decision

to cancel Plot No.31 was taken and implemented through proceedings impugned in the writ petition.

Mr. Jagadishwar Reddy submits that the petitioner if has encroached into un-allotted plot, the remedy is not to cancel the allotted plot and further the boundaries of plot as allotted to petitioner are identified and fixed, the petitioner is prepared to confine his enjoyment to the allotted plot. As regards 68 square yards, he submits that petitioner is not interested in encroaching Government land. However, the proceedings impugned are violative of principles of natural justice and are liable to be set aside.

The Assistant Government Pleader submits that from the proceedings impugned in the writ petition, it does not reflect that the petitioner was put on notice before cancelling allotted Plot No.31. On the question of identifying the allotted plot and the excess extent in the neighbourhood, he submits that the plot will be identified and demarcation undertaken by the respondents. The statement is placed on record and accepted.

The writ petition is ordered as follows:

- (a) the proceedings impugned in the writ petition are set aside as violative of principles of natural justice;
- (b) the petitioner is given liberty to file representation by enclosing a copy of this order before 3rd and 4th respondents for identifying and demarcating the plot allotted within four weeks from today;

- (c) on receipt of such representation, within four weeks thereafter, the representation is considered and disposed of by identifying the allotted plot; and
- (d) the petitioner in the representation undertakes to confine his enjoyment to the allotted portion and will not extend his enjoyment to the neighbouring land.

There shall be no order as to costs.

Miscellaneous petitions, if any, pending stand closed.

10th July, 2018
Lrkm



S.V.BHATT,J