

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

Writ Petition No.22945 of 2018

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioners seeking verbatim the following relief/s:

‘...to issue an appropriate writ, or order or direction, more particularly, one in the nature of Writ of Mandamus, declaring the action of the 2nd respondent in not passing any order on the appeal dated 11-12-2017 filed by the petitioners and the action of the 4th respondent in contemplating to dispossess the petitioners from their respective patta lands, in pursuance of his proceedings in Rc.B.152/2017, dated 25-10-2017, without even issuing notice to the petitioners, as highly illegal, arbitrary and unconstitutional being violative of Articles 14, 21 and 300-A of the Constitution of India and also violative of principles of natural justice, principles of promissory estoppel and doctrine of legitimate expectation and consequently suspend the operation of the proceedings in Rc.B.152/2017, dated 25-10-2017 issued by the 4th respondent, in the interest of justice and pass such further or other order..’

I have heard the submissions of the learned counsel appearing for the petitioners and of the learned Government Pleader for Revenue appearing for the respondents. I have perused the material record.

Learned counsel for the petitioners submitted as follows: - ‘The proceedings, dated 05.10.2017, in Rc.C.1133/2017, were issued by the Revenue Divisional Officer, Kurnool, *inter alia*, stating that in view of the circumstances stated in the said proceedings and as per the verification of records and Tahasildar’s report, it is clearly known that the house site pattas, which were irregularly issued without following due procedure, are liable for cancellation. By the said proceedings, the Tahasildar, Kurnool, was directed to cancel the house site pattas, which were said to have been irregularly issued, by following the procedure, and to take necessary action. Pursuant to the said proceedings, the Tahasildar, Kurnool, by his proceedings, dated 25.10.2017, cancelled the house site pattas of the petitioners without following due procedure; and, directed the Mandal Revenue Inspector, Kurnool & Village Revenue Officer, Joharapuram to take necessary measures to protect the Government land without fail and to report compliance. Therefore, there is an immediate threat of eviction. Aggrieved of the afore-said orders of the RDO and the Tahasildar, the petitioners preferred an appeal before the District Collector-2nd respondent. As the

2nd respondent is not passing any orders on the said appeal of the petitioners, the present writ petition is filed seeking a direction to the 2nd respondent to dispose of the said appeal.'

He would further submit that in view of the immediate threat of eviction that is looming large, the interests and possession of the petitioners over the subject property covered by the pattas may be protected pending final disposal of the appeal by the District Collector.

Learned Government Pleader submits that the appeal is not preferred in proper proforma.

In the considered view of this Court, irrespective of the proforma in which the appeal is preferred, there is no impediment for disposal of the appeal by the District Collector on its merit by following the procedure established by law.

In that view of the matter, the Writ Petition is disposed of directing the 2nd respondent-District Collector to consider and dispose of the appeal, dated 11.12.2017, filed by the petitioners, in strict accordance with the procedure established by law, within eight (8) weeks from the date of receipt of a copy of this order, however, after affording an opportunity to the petitioners to produce documents and also an opportunity of hearing. Till such exercise is completed, *status quo* as on today shall be maintained in regard to the possession of the petitioners over the subject property. There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

M.SEETHARAMA MURTI, J

05.07.2018

Vjl