

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION NO.898 OF 2013

ORDER:

1. Heard the learned counsel for the petitioners and learned Government Pleader for the respondents.

2. The petitioners claim to be landless and houseless poor persons. Pursuant to their representation to the Government, they were given pattas in April and June, 2006. At the time of assignment of the house sites, the land was full of bushes, shrubs, boulders and rocks. Some of the petitioners made the land fit for construction of houses and constructed houses, whereas some others could not construct houses. They sought for sanction of loans for construction of houses. When the 3<sup>rd</sup> respondent and his subordinates were trying to interfere with the possession of land of the petitioners, the present Writ Petition was filed challenging the interference of the 3<sup>rd</sup> respondent from the house sites of Ac.0.002 ½ cents situated in Survey Nos.1-3 & 1/2 , Pileru Village, Piler Revenue Mandal, Piler, Chittoor District .

3. This Court, while taking up the matter on 10.1.2013, while issuing notice before admission, granted status-quo with regard to the possession of the land and the said order has been in operation till today.

4. The 3<sup>rd</sup> respondent filed a counter stating that the land in Survey No.1/2 and 1/3 of Piler village is located at a distance of 1 KM from Piler Town and is abutting the National Highway-205 leading from Piler to Tirupathi. The land in Survey No.1/2 is in an extent of Ac.0.75 cents whereas the land in Survey No.1/3 is in an extent of Ac.0.85 cents, which were classified as “gayalu”. Later on, the land was changed to assessed waste dry and DKT pattas were issued. It is also stated that initially the said land was assigned to two individuals on 4.11.1975 and since no houses were constructed, the said land was again assigned in favour of the petitioners. Even after assignment of the land in favour of the petitioners, when the authorities noticed that no dwelling houses were raised, the 3<sup>rd</sup> respondent passed an order on 23.10.2008 resuming the land. It is further stated that due publicity was given and after giving notice only, the said order was passed. It was noticed that two foundations and one Church were existing in Sy.No.1/2 and the remaining land is vacant. It is also stated that the land in Survey No.1/3 is vacant and no house site pattas were granted.

5. Since the learned counsel for the petitioners vehemently contended that before passing the orders of resumption on 23.10.2008, no notices were issued to the petitioners, the record was called for from the 3<sup>rd</sup> respondent and it revealed

that the notices were displayed in the Notice Board of the Gram Panchayat and the Mandal Office. No individual notices were issued to the assignees.

6. Learned Government Pleader submits that the assignees were not available in the villages and in those circumstances, no notice was issued to the assignees.

7. But the fact remains that the orders of resumption were passed on 23.10.2008 without issuing notice to the individual assignees.

8. In the circumstances, this Court is constrained to set aside the orders dated 23.10.2008 and the matter is remanded to the 3<sup>rd</sup> respondent for taking appropriate action in accordance with law if the 3<sup>rd</sup> respondent so chooses to take action against the original assignees.

9. The Writ Petition is accordingly, allowed.

Pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

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A. RAMALINGESWARA RAO,J

Date: 13.3.2018

KPM