

**THE HON'BLE SRI JUSTICE S.V.BHATT**

**W.P. No.16747 of 2017**

**ORDER:**

Heard Mr.P.V.V.Ravi Sankar for petitioners and the learned Government Pleader for respondents.

The petitioners are assignees of house site patta Nos.67, 68, 69, 70, 71, 73, 74, 75, 76 and 77 for an extent of Ac.0-04 cents each, respectively covered by File No.1282/9 in Kondayapallem Village, Udayagiri Mandal, SPSR Nellore District.

The grievance in the writ petition is respondent No.4 during the subsistence of house site pattas, firstly interfering with the possession of petitioners and secondly, the 4<sup>th</sup> respondent is referring to orders of cancellation which are passed without notice and also without affording opportunity to petitioners. Therefore, the possession of petitioners, if is disturbed, the same amounts to arbitrary exercise of power and unconstitutional.

On 01.06.2017, this Court ordered notice to respondents. Respondent No.4 filed counter affidavit and has enclosed proceedings in Rc.B.300/2011 dated 19.09.2011 to contend that assignment in favour of petitioners has been cancelled. Since the assignment is

cancelled, the interference by respondents is not arbitrary or violative of Article 14 of Constitution of India. It is also the case of respondent No.4 that the proceedings dated 19.09.2011 were issued after notice to all the beneficiaries of house site pattas.

At request of Assistant Government Pleader to produce the mode and manner of service of notice and also the content of notice, time was granted, the Assistant Government Pleader adverting to written instructions dated 25.04.2018 informs the Court that the record does not contain paper publication, if any made prior to the proceedings dated 19.09.2011.

Petitioners have filed representation before the District Collector, Nellore, adverting to the grievance canvassed in the present writ petition. Since the District Collector is competent to look into the record, dispose of the revision, this Court considers it appropriate to dispose of the writ petition directing the District Collector to pass orders on the representation dated 07.03.2017 within three (03) months from the date of receipt of copy of this order.

The petitioners are given liberty to raise additional grounds by enclosing copy of this order within four (04) weeks from today. The parties are directed to maintain

*status quo* as regards physical features and possession of the plots claimed by petitioners till the representation is disposed of and order communicated by District Collector to petitioners.

Writ petition is ordered as indicated above. No order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.

Dt: 27.04.2018  
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**S. V. BHATT, J**

