

**HON'BLE SRI JUSTICE U.DURGA PRASAD RAO**

**Writ Petition No.21336 of 2014**

**ORDER:**

The petitioner seeks Writ of Mandamus declaring the action of the respondents in attempting to forcibly dispossess and demolish the constructions of the members of the petitioner society who were earlier granted house site pattas for their respective plots in Sy.No.186 of Modavalasa Village Denkada Mandal, Vizianagaram District, without issuing any notice and passing any order as illegal, arbitrary and against the principles of natural justice and consequently direct the respondents not to interfere with the possession and enjoyment of the house site plots of the members of the petitioner society.

2) Petitioner is the President of Jai Bheem Yuvajana Sangham. Petitioner's case is that petitioner society was formed to strive for welfare of downtrodden classes particularly Scheduled Caste and Scheduled Tribes and the society was established in 1997. There are 57 members whose list is appended to the writ petition. Each of the members of the society was assigned house site patta in different plots in Sy.No.186 of Modavalasa Village of Denkada Mandal, Vizianagaram District by the 1<sup>st</sup> respondent in 1995. Ever since, they have been striving to construct the houses. They also made efforts to get funds under Indira Avas Yojana and other programmes. However, the concerned officials have not allocated the funds. Ultimately the petitioners raised funds privately and most of the members started construction of the respective houses and

completed the basements level and thereafter they could not proceed further due to paucity of funds. While-so on 25.07.2014 the respondent officials came to their plots with certain workmen and directed them to vacate the respective plots as their pattas were cancelled due to non-construction of the houses even after lapse of more than 10 years from the date of granting pattas. No prior notice was issued to the petitioners and no enquiry was conducted.

Hence the writ petition.

- 3) Heard both sides.
- 4) Learned Assistant Government Pleader for Revenue appearing on behalf of respondents on instructions would submit that as on today the pattas issued in favour of the members of the petitioner society are not cancelled and if any action is proposed in that regard, due process of law will be followed.
- 5) Recording the above undertaking given by the learned Assistant Government Pleader for Revenue on behalf of the respondents, this Writ Petition is closed. No costs.

As a sequel, pending miscellaneous petitions, if any, shall stand closed.

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**U.DURGA PRASAD RAO, J**

Date: 20.12.2018  
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