

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 34751 of 2018

ORDER:

The present writ petition came to be filed seeking issuance of a writ of *mandamus*, declaring the proceedings in Rc.No. E3/ 1493/ 2009-6, dated 16.08.2016 on the file of the 2nd respondent, canceling the assignment granted in favour of the grandfather of the petitioner, to an extent of Ac.3.20 gts. in Survey No. 17/ 22 of Lakshmidvipalli Village, Kothagudem Mandal, Bhadradri-Kothagudem District, as illegal, improper and incorrect.

2. The learned counsel for the petitioner mainly submits that the impugned proceedings dated 16.08.2016, which led to cancellation of the pattas granted in favour of the petitioner, was behind her back and no notice was issued to her before cancelling the same. It is stated that earlier, W.P.No. 25637 of 2018 came to be filed by the son of the petitioner and others, questioning the action of the respondents in dispossessing them without following due process of law. The said writ petition was disposed of by order dated 24th July, 2018 with the following directions:

“When the matter is taken up, it is submitted by the learned Government Pleader that pattas granted earlier in favour of the petitioners herein by the revenue authorities were cancelled by the District Collector by way of an order dated 16.08.2016.

It is submitted by learned counsel for the petitioners that without giving any notice, the said action was resorted to.

In view of cancellation of pattas, leaving it open to the petitioners herein to assail the said action of cancellation of pattas, the Writ Petition is disposed of. There shall be no order as to costs."

3. A reading of the above order clearly shows that the impugned order which is challenged in this writ petition was also questioned in the aforementioned writ petition, on the ground that no notice was given to the petitioners therein before passing the said order. Since the case on hand is similar to W.P.No. 25637 of 2018, inasmuch as the petitioner was not given notice before cancellation of the pattas granted in her favour, it is left open to the petitioner to assail the action of cancellation of pattas by the impugned order dated 16.08.2016.

4. At this stage, the learned counsel for the petitioner would submit that the petitioner is in possession of the subject land, and irreparable loss would be caused if he is dispossessed. On the other hand, the learned Government Pleader for Forest Department would submit that they are in possession of the subject land. Having regard to the same, *status quo* as on today to be maintained with regard to possession, for a period of five weeks from today, making it clear that no further extension would be granted.

5. With the above direction, the writ petition is disposed of.
There shall be no order as to costs. Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

26.09.2018

Note: Issue cc in three days

(B.O)

DMG

