

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

W.P.Nos. 24067 & 24715 of 2019

ORDER :

Heard learned counsel for petitioner and learned Government Pleader for Revenue in both the writ petitions.

2. Petitioners challenge the proceedings dated 30.9.2019 wherein pattas granted to them earlier in Survey No.143 to an extent of Ac.1-00 gutnas each situated at Choutuppal village and mandal, Nalgonda district were cancelled on the ground that the petitioners violated conditions of pattas granted to them.

3. Learned counsel for petitioners contends that no opportunity was given to the petitioners before taking such extreme action. It is further contended that the petitioners are eking out their livelihood by cultivating the said lands and that crop is at ripening stage, therefore, the contention of respondents that the land is not put to use is not correct.

4. With reference to contention of petitioner's counsel that the petitioners were not served with any notice, the learned Assistant Government Pleader placed before the Court notice dated 15.3.2019 and also acknowledgement of petitioners, therefore, prima facie, I am not in agreement with the said contention of the learned counsel fore petitioner. With reference to the claim of petitioners that they are cultivating the land and there is a standing crop, it is a pure question of fact, which the Writ Court cannot go into that aspect. As seen from the notice, it is alleged that subject land was not put to use by the petitioners, thereby they have violated conditions of assignment.

5. Since assignment was granted to petitioners in the year 2005, to balance equities of both sides, I deem it appropriate to direct the petitioners to submit explanation to the show cause notice dated 30.9.2019 and satisfy the competent authority that the subject land was put to use and they have been cultivating the land by eking their livelihood by virtue of said cultivation. If petitioners place before the 3rd respondent-Revenue Divisional Officer the material in support of their claim, the 3rd respondent shall consider and pass appropriate orders, if necessary, 3rd respondent may order the 4th respondent-Tahsildar to conduct physical inspection of land to ascertain whether the land was put to use by petitioners and thereafter take a decision. Till such decision is taken, the parties are directed to maintain Status quo.

5. With the above observation and direction, both the writ petitions are disposed of. Pending miscellaneous petitions, if any, shall stand closed.

Date: 26.11.2019
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P.NAVEEN RAO,J