

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

W.P.No.22503 of 2019

ORDER :

It is the case of the petitioners that father of petitioner Nos 1, 2 ,4 and 5 and husband of petitioner No.3 by name D.Venkatadas being landless poor belongs to Scheduled Caste was assigned land to an extent of Ac.2-20 guntas in Sy.No.244 situated at Pedda Amberpet Village, erstwhile Hayathnagar Mandal and presently Abdullapurmet Mandal , Ranga Reddy District and was granted patta certificate vide File No.B2/6337/1980 as early as in the year 1980. Thereafter though the petitioners are in possession of the subject land, without any notice the 4th respondent issued resumption proceedings vide File No.C/179/2007, dated 07-04-2007. Aggrieved by the same, the father of petitioner No.1, 2, 4 and 5 and husband of petitioner No.3 preferred appeal before the 3rd respondent in File NO.B1/2143/2008 and without any enquiry and without advertng to the contentions raised by the petitioner dismissed the appeal by order dated 01-09-2008 vide File NO.B1/2143/2008. The matter was carried in revision before the 2nd respondent vide File No.E4/1779/2010. During pendency of revision, father of petitioner Nos 1,2,4 and 5 and husband of petitioner No.3 died. As such, petitioners came on record as revision petitioners. Without considering the grounds raised by the

revision petitioners, the revision is dismissed by the 2nd respondent by passing the impugned order.

Heard learned counsel for the petitioners, who, submits that the 4th respondent has already submitted report dated 26-10-2017 to the District Collector stating that there is no alienation of the subject land to third parties and that D.Venkatadas is in physical possession of the subject land.

Heard learned Assistant Government Pleader for Revenue, who, submits that since there is violation of conditions of patta granted to the petitioners, resumption order is passed and the same is confirmed in the appeal and the revision. As such no interference is called for. Basing on the written instructions, which are reproduction of impugned order, learned Assistant Government Pleader tried to defend the impugned order. Learned counsel for the petitioners also contended that no notice is issued before impugned order of cancellation is passed. The said contention is not disputed and the said contention is not answered either by the appellate authority or the revisional authority. Though the petitioners relied on letter No.C/179/2015, dated 26-10-2017 addressed by the 4th respondent to the District Collector, the same is also not referred to either in the appellate order or in the order passed in the revision which goes to show that the impugned order is hit by violation of principles of natural justice and the same is also passed without any application of mind.

In view of the same, the impugned order is liable to be set aside and accordingly, the same is set aside.

Accordingly, the writ petition is allowed. No order as to costs. As a sequel, miscellaneous applications pending, if any, shall stand closed.

A. RAJASHEKER REDDY, J

21-01-2020
Nvl



HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

ARBITRATION APPLICATION No.97 of 2019



31.12.2019
(Msr)