

**HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)**

**THURSDAY, THE FOURTH DAY OF JANUARY
TWO THOUSAND AND TWENTY FOUR**

PRESENT

THE HON'BLE SRI JUSTICE J. SREENIVAS RAO

WRIT PETITION NO: 12287 OF 2008

Between:

Boda Viswanadham, S/o.Yadagiri Hindu Agriculturist R/o.Venkatapur
Valigonda(M) Nalgonda District

...PETITIONER

AND

1. The Revenue Divisional Officer, Bhongir Nalgonda District
2. The Mandal Revenue Officer, Valigonda (M) Nalgonda District

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Rule Nisi calling for the records leading upto and inclusive of the proceedings No.E/56/2002 of the 1st respondent dt.12-9-2005 and quash the same by issuing a writ order or direction in the nature of certiorari

Counsel for the Petitioner: SRI THOTA VENKATESHAM

Counsel for Respondents: GP FOR REVENUE

The Court made the following: ORDER

THE HONOURABLE SRI JUSTICE J.SREENIVAS RAO

WRIT PETITION No.12287 of 2008

ORDER:

This writ petition is filed seeking the following relief:

“ To issue a Rule Nisi calling for the records leading upto and inclusive of the Proceedings No.E/56/2022 of the 1st respondent dated 12.9.2005 and quash the same by issuing a Writ, order or direction in the nature of CERTIORARI”

2. Heard Sri T.Venkatesham, learned counsel for the petitioner, and learned Assistant Government Pleader for Revenue (Assignment) appearing for the respondents.

3. Learned counsel for the petitioner submits that the petitioner is a landless poor person. The respondent authorities after conducting detailed enquiry and after following the due procedure as contemplated under law granted assignment patta to an extent of Ac.1.00 gts. in Sy.No.10/2 of Gangapuram Village, Valigonda Mandal, Nalgonda District, presently Yadadri-Bhongir District, *vide* patta certificate bearing No.B/5460/96 dated 27.10.1998 and since then the petitioner has been in possession and enjoyment of the said property with absolute rights and his name was mutated in the revenue records and pattadar pass book and title deed were also issued.

4. While things stood thus, respondent No.1 had issued show-cause notice on 11.09.2003 directing the petitioner to submit explanation as to why the assignment patta granted in his favour should not be cancelled on the alleged ground that the family members of the petitioner is having

Ac.6.08 gts. in Sy.No.12 and he is not eligible for grant of assignment patta. Pursuant to the same, the petitioner submitted detailed explanation stating that he is not having any land as alleged in the show-cause notice. Respondent No.1 without considering the same, without conducting any enquiry and also without giving any opportunity to the petitioner, cancelled the assignment patta through impugned proceedings No.E/56/2002 dated 12.09.2005 and the same is clear violation of principles of natural justice and contrary to law.

5. Learned Assistant Government Pleader contending that the petitioner without availing the remedy of appeal as provided under the Act straightaway approached this Court and filed the present writ petition and the same is not maintainable under law. She submits that respondent No.1 after following the due procedure as contemplated under the provisions of 166-B of Andhra Pradesh (Telangana Area) Land Revenue Act, 1317 Fasli (for short, 'the Act') rightly cancelled the assignment patta and there is no illegality or irregularity in the said order.

6. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that the petitioner was granted assignment patta on 27.10.1998 to an extent of Ac.1.00 gts. in Sy.No.10/2 of Gangapuram Village, Valigonda

Mandal, Yadadri-Bhongir District and his name was mutated in the revenue records and pattadar pass book and title deed were also issued in his favour. Respondent No.1 initiated the proceedings exercising the powers conferred under the Act, basing upon the report submitted by respondent No.2 dated 16.12.2002 and issued a show-cause notice dated 11.9.2003 stating that the family members of the petitioner are having Ac.6.08 gts. of land and he is not eligible for grant of assignment patta and directed the petitioner to submit explanation as to why his assignment patta should not be cancelled. Pursuant to the above said show-cause notice, the petitioner submitted explanation denying the allegations, *inter alia* contending that he is not having any land in his name and he comes within the definition of landless poor person.

7. It further reveals from the impugned order that respondent No.1 without considering the above said explanation cancelled the assignment patta stating that the explanation submitted by the petitioner is not convincing. Admittedly, respondent No.1, while exercising the statutory powers conferred under the Act, ought to have give reasons while passing the impugned order. It further reveals from the record that before cancelling the assignment patta, respondent No.1 has not conducted any enquiry nor given any opportunity of hearing the petitioner and the same is clear violation of the principles of natural justice. It is also relevant to

place on record that the assignment patta granted in favour of the petitioner on 20.07.1998, respondent No.1 initiated the proceedings after more than seven years simply basing upon the report of respondent No.2.

8. In view of the foregoing reasons, the impugned order passed by respondent No.1 is liable to be set aside and accordingly set aside and respondent No.1 is directed to consider the explanation submitted by the petitioner, pursuant to the show-cause notice dated 11.09.2003 and pass appropriate orders in accordance with law after giving opportunity to the petitioner including personal hearing within a period of two (2) months from the date of receipt of a copy of this order and till such time, the respondents are directed not to take any coercive steps in respect of the subject property.

9. With the above directions, the writ petition is disposed of, accordingly. No costs.

Miscellaneous petitions, if any pending, shall stand closed.

SD/-A.V.S. PRASAD
ASSISTANT REGISTRAR

//TRUE COPY//

Su
SECTION OFFICER

To,

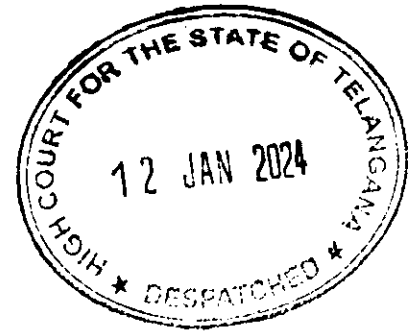
1. The Revenue Divisional Officer, Bhongir Nalgonda District
2. The Mandal Revenue Officer, Valigonda (M) Nalgonda District
3. One CC to Sri Thota Venkatesham Advocate [OPUC]
4. Two CCs to GP For Revenue, High Court for the State of Telangana. [OUT]
5. Two CD Copies

MBC
BS

[Signature]

HIGH COURT

DATED: 04/01/2024



ORDER

WP.No.12287 of 2008

DISPOSING OF THE WRIT PETITION

WITHOUT COSTS

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4/1/24