THE HON'BLE SRI JUSTICE BATTU DEVANAND

WRIT PETITION No. 27789 of 2022

&

CONTEMPT CASE No.3626 of 2023

COMMON ORDER:

W.P.No.27789 of 2022

The Writ Petition is filed seeking to issue a Writ, order or direction more particularly one in nature of Writ of Mandamus, declaring the action of the respondents in constructing the Health Care Center in Plot No.188 belongs to the petitioner, admeasuring Ac.0.02 cents in Sy.No.912/A1, 913/A and 921/1A2 in Pedakakani Village and Mandal, Guntur District, as illegal, arbitrary, unconstitutional, violative of Article 14, 19 and 300-A of the Constitution of India and for a consequential direction to the respondents not to construct the Health Care Center in the subject land.

C.C.No.3626 of 2023

The Contempt Case is filed against the respondents for wilful disobedience of the order, dated 01.09.2022 passed by this Court in W.P.No.27789 of 2022.

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2. The case of the petitioner is that the petitioner was granted DKT patta bearing No.129/1419R, by the respondent No.4 and she was allowed the house plot bearing No.188 admeasuring Ac.0.02 cents in Sy.No.912/A1,913/A and 921/1A2 in Pedakakani Village, in the year

2010. The petitioner has been in possession and enjoyment of the said land since the grant of DKT patta bearing No.129/1419R.

3. As the things stood thus, the respondent No.5-Gram Panchayat passed a resolution in its meeting, dated 27.07.2022 to construct Pedakakani-3 Secretariat in an extent of Ac.0.05 cents of land in Sy.No.164/2, 164/3 and 163, and construction of 4 Rythu Barosa Kendram in Sy.No.982 and construction of Health Care Center in Sy.No.913/A in Sadasiva Colony of Pedakakani Village and Mandal.

4. Learned counsel for the petitioner submits that the petitioner belongs to Below Poverty Line category. Accordingly, she was allotted the house plot. Due to paucity of financial resources, the petitioner could not construct the house on the subject land. However, the petitioner is in possession of the said Ac.0.02 cents of land and making efforts to procure funds to construct a house.

5. The grievance of the petitioner is that the respondents taking steps to dispossess the petitioner from the subject land to construct the Health Care Center in the said land, without following due process of law.

6. Aggrieved by the action of the respondents, the petitioner filed the present Writ Petition. At the stage of admission of this Writ Petition, this Court, by order, dated 01.09.2022 directed the respondents to maintain *Status-quo* with regard to the plot No.188 admeasuring Ac.0.02 cents in

Sy.Nos.912/A1, 913/A and 921/1A2 of Pedakakani Village and Mandal, Guntur District.

7. Complaining the willful disobedience of the said order, the petitioner filed contempt case in C.C.No.3626 of 2023 against the respondent Nos.2 to 5 therein.

8. Learned counsel for the petitioner would submit that the copy of the interim order was served on the respondents on 21.09.2022. Despite the same, the respondent No.3 under the instructions of respondent Nos.1 & 2 undertook the process of resumption of DKT patta, of the petitioner. In that process, the respondent No.3 without following due process of law cancelled the DKT patta issued in favour of the petitioner vide resumption order, dated 09.06.2023.

9. In view of the above factual position, learned counsel for the petitioner contends that the action of the respondents in taking steps to construct Health Care Center in the land allotted to the petitioner *vide* DKT patta bearing No.129/1419R in the year 2010 and cancelling the said DKT patta by passing resumption order, dated 09.06.2023, in spite of interim orders passed by this Court on 01.09.2022, is illegal, unlawful and accordingly, sought to allow the Writ Petition by passing appropriate orders in Contempt Case against the respondents therein.

10. On the other hand, learned counsel appearing for the respondents in the Writ Petition as well as Contempt Case would submit that,

admittedly, the petitioner was allotted subject land to an extent of Ac.0.02 cents in Sy.Nos.912/A1, 913/A and 921/1A2 of Pedakakani Village and Mandal, Guntur District *vide* DKT patta bearing No.129/1419R by the respondent No.4 and allotted the house plot bearing No. 188 admeasuring Ac.0.02 cents in Sy.No.912/A1,913/A and 921/1A2 in Pedakakani Village and Mandal. As per the conditions of the DKT patta, the petitioner has to construct the house in the allotted site within a period of 6-12 months of the allotment. But the petitioner has not constructed house in the allotted house site and the same is kept vacant, which is contrary to the conditions of the patta. As such, it is liable to be resumed by cancelling the patta allotted to the petitioner.

11. Learned counsel further contends that as per the resolution of the Pedakakani Gram Panchayat to construct a Health Care Center in the said land, the respondent No.4 intended to resume the land by following due process contemplated under A.P. Assigned Land (POT) Act, 1977. At that point of time, the petitioner filed the present Writ Petition and this Court, by order, dated 01.09.2022 passed interim orders directing the respondents not to dispossess the petitioner from the subject land without following due process of law. In compliance of the said direction, the respondent No.4 initiated procedure to resume the land and issued notice to the petitioner therein as well as the petitioner in the contempt case.

12. Learned counsel appearing for the respondents would submit the respondent No.4 passed orders resuming the subject land on 09.06.2023 by following due process of service of notice to the petitioner. As such, they contend that there is no illegality in the action of the respondents and prayed to dismiss the Writ Petition.

13. Learned counsel for the respondents further submits that the District Collector directed the Revenue Divisional Officer, Guntur as well as the Tahsildar to implement the order of this Court and further directed to take steps to cancel resumption order passed by the then Tahsildar on 09.06.2023 and accordingly, under the provisions of A.P. Assigned Land (POT) Act, 1977, the Revenue Divisional Officer, Guntur has issued orders, dated 29.01.2026 duly cancelling the resumption orders issued by the then Tahsildar of Pedakakani Mandal, on 09.06.2023 in order to ensure compliance of the order, dated 01.09.2022 passed by this Court in W.P.No.27789 of 2022.

14. In reply, learned counsel for the petitioner also endorsed that the Revenue Divisional Officer, Guntur, passed orders cancelling the resumption orders and at present the petitioner is in possession of the subject land.

15. Having considered the facts and circumstances of the cases, admittedly the petitioner was allotted Ac.0.02 cents of land in Sy.No.912/A1, 913/A and 921/1A2 in Pedakakani Village and Mandal,

Guntur District *vide* DKT patta bearing No.129/1419R, issued by the respondent No.4 in the year 2010. The petitioner has been in possession and enjoyment of the same since the grant of DKT patta. The Gram Panchayat intends to construct a Health Care Center in the said land and accordingly, the respondent No.4 took steps for construction. At that stage, the petitioner approached this Court by filing the present Writ Petition and this Court, by order, dated 01.09.2022 directed the respondents to maintain *Status-quo* with respect to subject property. Thereafter, the respondents initiated proceedings under A.P. Assigned Land (POT) Act, 1977 and cancelled the DKT patta of the petitioner and passed order to resume the subject land by the order, 09.06.2023 of the respondent No.3. At that stage, the petitioner filed the present Contempt Case. Pending Contempt Case, basing on the instructions of the District Collector, the respondent No.3 passed orders duly cancelling the resumption order on 29.01.2026, which was issued by the then Tahsildar, Pedakakani Mandal. At present, the petitioner is in possession and enjoyment of the subject land.

16. Under these circumstances, in our considered view, as the possession of the petitioner is resumed as per the DKT patta issued in favour of her in the year 2010 and she is in the possession of the said land, we intend to dispose of the Writ Petition with certain direction.

17. Accordingly, the Writ Petition is disposed of, with the following direction:

> *"The respondents are directed not to interfere into the possession and enjoyment of the land allotted to the petitioner vide DKT Patta bearing No.129/1419R, without following due process of law."*

18. Insofar as the Contempt Case is concerned, it appears that the respondents cancelled the DKT patta issued in favour of the petitioner in the year 2010 and respondent No.4 passed the order for resumption of the subject property, by order, dated 09.06.2023, in spite of specific directions issued by this Court on 01.09.2022 to maintain *Status-quo*. However, as per the instructions of the District Collector, on 29.01.2026, the Revenue Divisional Officer, passed orders cancelling the resumption order issued by the Tahsildar, Pedakakani Mandal. Therefore, at present, the petitioner is in possession of the subject property.

19. Having considered the facts and circumstances of the case, it is clear that the respondents made an attempt to flout the interim order passed by this Court on 01.09.2022 to maintain *Status-quo* with regard to the subject property. Later on, the respondents cancelled the resumption orders on 29.01.2026 during the pendency of this Contempt Case.

20. Learned counsel for the respondents, who appeared personally before this Court, tendered unconditional apology and requested to take a lenient view.

21. Considering the facts and circumstances of the case, particularly the fact that the petitioner is in possession of the subject land, this Court is inclined to take a lenient view and accept the unconditional apology tendered by the respondents.

22. Accordingly, the Contempt Case is closed, with a warning to the respondents to be more vigilant and cautious in implementing the orders of this Court, in future.

23. No order as to costs.

Consequently, Miscellaneous Petitions, if any pending, shall stand closed.

JUSTICE BATTU DEVANAND

Date: 06.11.2026
PKR

THE HON'BLE SRI JUSTICE BATTU DEVANAND

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