

HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

MAIN CASE No.: W.P.No.28724 of 2022

PROCEEDING SHEET

Sl. No	DATE	ORDER	
1.	7.09.2022	<p><u>DR, J</u></p> <p>The Writ Petition is filed assailing the impugned orders dated 05.08.2022 of the 4th respondent on the ground that the 4th respondent is not competent authority to cancel the house sites pattas of the petitioners.</p> <p>Learned counsel for the petitioners has submitted that the Revenue Divisional Officer is the competent authority to cancel the house site pattas.</p> <p>The said question is decided by this Court in <i>P.V.Satyanarayana Murthy and others Vs. State of Andhra Pradesh rep by its Secretary, Revenue Dept. and others</i>¹ wherein it is stated as follows:-</p> <p><i>The orders of assignment of house sites were passed by the 4th respondent, on 31.05.1979, in favour of petitioners, It is clearly mentioned that the assignment s are made under the Board Standing Order(BSO) No.21 and in the form, Appendix 18. Once the assignment is made</i></p>	

¹ 2013(2) ALT 141 (S.B)

	<p><i>under BSO No.21, the only authority competent to cancel it, if at all, is the Revenue Divisional Officer. This is evident from Clause 7(iii). The provision reads:</i></p> <p><i><u>“Right to re-entry: The right to re-entry, whether under the provisions of the order of assignment or under those of any subsidiary agreement, should be enforced only under the orders of the Divisional officers. Before ordered such re-entry, Divisional Officers may, as a matter of grace, give notice(a) to the grantee if he can be found, and (b) in the District Gazette.”</u></i></p> <p><i>The 4th respondent exercised the power of resumption and passed orders. The orders passed by him, were patently without jurisdiction. The appeals preferred by the petitioners were allowed by the 3rd respondent.</i></p> <p>The learned counsel for the petitioners further contends that even on facts, the very basic contention of the petitioners is that the pattas were granted whey back in the year 2016. But the respondents have not demarcated the above said plots and handed over to the petitioners. So, the petitioners are unable to get the loans from the banks and unable to construct the houses in the above sites granted by the 4th respondent. Though the 4th respondent has</p>	
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		<p>received the said objections, he has not considered the same and the impugned order was passed.</p> <p>Considering the submissions of the learned counsel for the petitioners, there shall be an interim suspension of the impugned order dated 05.08.2022 of the 4th respondent pending further orders.</p> <p>Post after four(4) weeks for filing counter.</p> <p style="text-align: right;">DR, J</p> <p>tm</p>	
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