

HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No.28186 OF 2011

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ORDER:-

This Writ Petition is filed questioning the Notices issued by the 1st respondent, vide Nos.Dy.E.E./SD1/Divn.4/LMD/923 & 925, dated 04.11.2010, directing the petitioners to vacate the land situated in Sy.No.593 of Hasnapur Village in Karimnagar Mandal.

2. It is the case of the petitioners that they are landless poor persons and belong to Schedule Caste—Madiga community and they were given house site pattas for an extent of 60 square yards each, situated in Sy.No.593 of Hasnapur village of Karimnagar Town by the Tahsildar, Karimnagar, vide File No. B1/5552/08, dated 19.01.2009. However, the 1st respondent issued impugned proceedings directing the petitioners to vacate the land. Though the petitioners had also placed before the authorities the Xerox copies of the patta documents, the authorities demanded them to show the original patta documents. Challenging the impugned notices, the present Writ Petition is filed.
3. It is the contention of the petitioner that the Deputy Executive Engineer has no authority to direct the petitioners to vacate the land, which has been allotted to them, and if there is any doubt in relation to the patta documents, the same can be verified from the revenue authorities, as the petitioners are illiterates and they are unable to protect themselves.
4. This Writ Petition came up for admission on 17.10.2011 and limited interim stay of eviction was granted for a limited period, which came to be extended upto 10.07.2012, thereafter the interim order has not been

extended.

5. Counter affidavits have been filed by the 1st and 2nd respondents. In the counter affidavit filed by the 2nd respondent, it has been categorically stated that on verification of the office records the Senior Assistant, who was in-charge at the relevant point of time, had categorically stated that the signature appearing in the patta documents is not his signature and the same is forged one. Likewise, he had also deposed during the enquiry before the Collector that one T. Nagabhushanam, Deputy Tahsildar, Julapalli Mandal, appeared to have issued false house site patta certificates in Sy.Nos.593 and 594 situated at Hasnapur village of Karimnagar Mandal, to various people, who were not belong to Hasnapur village. The very scheme of allotment of house site pattas is only meant for the displaced persons, who belong to Hasnapur village, on account of the acquisition of land for Lower Manair Dam reservoir. Though counter affidavits have been filed in June and September, 2012 by the 1st and 2nd respondents respectively, there is no reply filed in the present case rebutting the allegations in the counters. Considering all these aspects and considering the fact that the petitioners does not appear to have any right for grant of pattas, the eviction which was proposed cannot be found fault.

6. Accordingly, the writ petition is dismissed. There shall be no order as to costs. Miscellaneous Petitions pending, if any, shall also stand dismissed.

JUSTICE CHALLA KODANDA RAM

Date:05.11.2015

