

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION NO.7797 of 2015

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Between:

Burru Lakshmi Devi

PETITIONERS

AND

1. The State of Andhra Pradesh, rep. by its Principal Secretary, Revenue Department, Secretariat Buildings, Hyderabad, and others.

RESPONDENTS

ORDER:

The case of the petitioner is that she being a houseless poor, she was issued DKT patta No.42/2002 dated 01.04.2002 assigning house plot in an extent of Ac.0.03 cents in Sy.No.1989, Chinna Orampadu Village, Obulavari Palle Mandal, YSR District, and she was residing in the same by erecting a small thatched house. It is stated that the petitioner with a view to remove the said thatched house and construct a Zink Sheets shed, she approached the Gram Panchayat seeking permission to construct the same and the Gram Panchayat granted permission by

way of resolution dated 30.12.2001. The petitioner had also obtained electricity connection to the said property. While so, the revenue authorities visited the said site on 15.03.2015, and threatened to evict her from the property in question. Complaining that the respondent authorities are interfering with her possession and enjoyment of the assigned property, the petitioner filed the present writ petition.

Heard learned counsel for the petitioner and learned Assistant Government Pleader for respondents.

Considering the nature of allegations, this Court on 25.03.2015 directed the learned Assistant Government Pleader to get instructions. Today, the learned Assistant Government Pleader, on instructions, submits that DKT patta filed by the petitioner is fake and fabricated one, that there is no correlation of the said patta in the revenue records, and that the petitioner had encroached the said land, which was earmarked for construction of bus-shelter. However, it is asserted that no coercive steps will be taken by the respondents without following due process of law. But the respondents may be granted liberty to take appropriate steps including initiation of criminal proceedings for fabrication and coercion of fake patta.

In view of the same, without expressing any opinion on merits, and considering the admission of the respondent authorities that the petitioner is in physical possession of the property in question, the writ petition is disposed of giving liberty to the respondent-authorities to take appropriate steps as may be enjoined under law to resume the land in occupation of the petitioner. Till legal steps are taken and orders are passed in accordance with law by the respondents, the petitioner's possession and enjoyment shall not be disturbed. No costs. As a sequel, miscellaneous petitions, if any, shall stand closed.

CHALLA KODANDA RAM, J.

10th April, 2015

Js.