

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

WRIT PETITION No. 4089 of 2011

Between:

Smt. Yarasi Geetha and others

.. Petitioners

and

The District Collector, SPSR Nellore District

and others

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 31.07.2015

SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

1. Whether Reporters of Local newspapers Yes/No
may be allowed to see the Judgments?

2. Whether the copies of judgment may be Yes/No
marked to Law Reporters/Journals?

3. Whether Their Ladyship/Lordship wish to Yes/No

see the fair copy of the Judgment?

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

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ORDER:-

Heard learned counsel for the petitioners and learned Government Pleader for Revenue appearing for the respondents. With the consent of the parties, the main writ petition is heard and disposed of at the admission stage itself.

The present writ petition came to be filed seeking issuance of a writ of mandamus declaring the action of the respondents particularly the 3rd respondent in threatening to dispossess the petitioners from their lawful possession and enjoyment in respect of the land admeasuring Acs.2.00 each in Survey No.37/1 situated at Pularangadipalli Village, Venkatagiri Mandal, SPSR Nellore District, as illegal and arbitrary.

The averments in the affidavit filed in support of the writ petition are that the petitioners who are landless poor persons are eking out their livelihood by doing agricultural labour work. It is stated that the petitioners being weaker sections were assigned land, admeasuring Acs.2.00 each in Survey No.37/1 situated at Pularangadipalli Village, Venkatagiri Mandal, SPSR Nellore District, by the 3rd respondent vide File Nos.411/1435 to 476/1435 dated 11.10.2005, and since then, they are in possession and enjoyment of the same without any interference by anybody. While things stood thus, on 03.02.2011 and 16.02.2011, the 3rd respondent is said to have threatened the petitioners to vacate the land and handover the vacant possession, without following the due process of law. Hence, the present writ petition.

The 3rd respondent filed his counter denying the averments made in the writ petition. It is stated that the land admeasuring Acs.266-20 cents in Survey No.37/1 of Pularangadipalli Village was classified as forest poramboke, as per the village accounts. If the said land is to be assigned to landless poor persons, the classification has to be changed to 'Anadheenam waste' by the District Collector, which is not done. It is also stated that the then Mandal Revenue Officer and the Deputy Tahsildar gave written statements stating that they did not grant the Darakast pattas to the petitioners on 11.10.2005 and that the signatures in the said pattas do not belong to them. It is further stated that the Darakast pattas are alleged to have been issued in the Fasli year 1435 which would, in fact, only commence from 01.07.2025 to 30.06.2026, where as the date of approval of the pattas is said to be 11.10.2005. It is thus stated that the date of approval of the pattas is contrary to the period of Fasli and the Darakast pattas produced by the petitioners are fake. It is

also stated that the IB Register does not indicate issuance of pattadar passbooks and title deeds in favour of the petitioners.

At this juncture, learned counsel for the petitioners submits that the averments in the counter are all false and that the pattas, which have been issued in favour of the petitioners, are genuine. She contends that the genuineness of the pattas is required to be examined by an appropriate authority and in support of her contention, she relies upon a judgment dated 10.02.2014 passed by this Court in W.P.No.32048 of 2013 and hence seeks a similar direction to be passed in this case also.

Since the issue involved in the present writ petition is as to the genuineness of the pattas which are in possession of the petitioners, the same cannot be gone into in the writ petition. Hence, I deem it appropriate to dispose of the writ petition in terms of the aforesaid judgment.

Accordingly, the Writ Petition is disposed of, by directing the petitioners to submit the original pattas available with them to the 3rd respondent within a period of three weeks from the date of receipt of a copy of the order. The 3rd respondent shall conduct an enquiry as to the genuineness of the pattas to be produced by the petitioners within a period of four weeks thereafter. Till such time, the respondents shall not take any coercive steps against the petitioners, if they are in possession of the land. There shall be no order as to costs.

Consequently, miscellaneous petitions, if any, pending in the writ petition shall also stand closed.

C. PRAVEEN KUMAR, J

31st July, 2015

cbs

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