

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 12873 OF 2012

ORDER:

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Heard learned counsel for the petitioners and learned Government Pleader for Revenue. With the consent of both parties, the present Writ Petition is disposed of at the admission stage itself.

The present Writ Petition came to be filed seeking to declare the action of respondent Nos.3 and 4 in attempting to dispossess the petitioners from their respective extents of patta lands admeasuring Acs.9.00 cents and Acs.7.00 cents in Survey No.9 and Acs.7.00 cents in Survey No.7 situated at Gurappadia Village, Kondepi Mandal, Prakasam District, as illegal and arbitrary.

The averments in the affidavit filed in support of the Writ Petition are as under:

The three petitioners who are related to each other claim to be the owners and possessors of land referred to above and pattadar passbooks were also issued in their favour. It is stated that these petitioners have raised mango garden in an extent of Acs.10.00 cents while in the remaining land they were raising dry crops. While things stood thus, on 19.04.2012, the Tahsildar along with some other persons came to the land and directed the labourers working there to vacate the same. On receiving such information, the petitioner along with others went there and enquired with respondent Nos.3 and 4 as to why they should be evicted from the land.

It is averred that the respondents threatened the petitioners to vacate the land within a week. On 21.04.2012, the petitioners went to the office of respondent Nos.3 and 4 and requested them to give reasons for such direction. It is stated that respondent Nos.3 and 4 behaved in a high handed manner and expressed their inability to heed to their request, since

there is political pressure from local MLA to evict the petitioners from the land. Challenging the same, the present Writ Petition came to be filed.

A counter affidavit came to be filed by the respondents disputing the averments made in the Writ Petition. In para No.7 of the counter affidavit filed by the Tahsildar, it is stated as under:

“It is respectfully submitted that the Writ Petition is liable to be dismissed, since the petitioner has approached this Hon’ble High Court with un-clean hands. It is respectfully submitted that the documents enclosed along with the Writ Petition more particularly the copies of the pattadar pass books and title deeds are forged and fabricated only for the purpose of the present Writ Petition. As per the entries in the Revenue Records more particularly in I B Register there is no entry of issuing of pattadar pass books and title deeds in favour of the petitioners. In fact as per the entries in the records the land do not belong to the petitioners and therefore, the Writ Petition is liable to be dismissed”.

Learned counsel for the petitioners submits that they are in possession of the property and in support of the same, they placed on record relevant copies of settlement deeds and pattadar pass books.

A perusal of the material on record would show that the names of the petitioners were entered in the revenue records showing them to be in possession of the property. Though the averments in the counter affidavit filed by the Tahsildar show that these documents are not fake, but no documents are enclosed to show as to who is in possession of the said land and as to who is the owner of the same.

For the aforesaid reasons, the Writ Petition is disposed of directing respondent Nos.3 and 4 not to dispossess the petitioners, if they are in possession of the property, without following due process of law. No costs.

Consequently, the Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

04.01.2016

vhb