

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 220 OF 2007

ORDER:

The case of the petitioner is that being an Ex-serviceman, at his request, he was granted DKT pattas in respect of the land in an extent of Acs.2.37 cents in Survey No. 533/4, Ac.1.49 cents in Survey No. 597, Ac.0.32 cents in Survey No. 535/1, Ac.0.67 cents in Survey No. 666/3, totalling to Acs.4.85 cents of Thumba Kuppam Village, Bangarupalyam Mandal, Chittoor District. Ever since the pattas were granted, the petitioner was in peaceful possession and enjoyment of the said land. Now the complaint of the petitioner is that the respondent authorities, under the guise of restoring the old tank, have been trying to disturb his possession over the land in question. Hence, the present Writ Petition.

This Court, while issuing *rule nisi*, by its order, dated 03.01.2007, directed the respondents not to evict the petitioner from the lands afore-stated, until further orders.

On 24.11.2010, on behalf of Respondents 3 and 5 to 7, a counter-affidavit has been filed. It has been categorically asserted therein that the petitioner was discharged from military service as 'invalidated servant', hence, he does not fall in the category of ex-serviceman. It has been further stated that the petitioner has deliberately obtained pattas in his favour and in favour of his wife by misleading the authorities and that he was enjoying the government land to the tune of Acs. 13.81 cents, besides encroaching the government land and tank, disfiguring the existence of tank by utilising the JCB, which resulted in diminishing the ground water level.

Be that as it may, *prima facie*, since the factum of issuance of DKT patta in favour of the petitioner in respect of the land in question, is not in dispute, the same can be cancelled only by following the due process stipulated therefor under the relevant rules.

With the above observation, the Writ Petition stands disposed of. No costs.

Consequently, the miscellaneous applications, if any shall also stand disposed of.

26th September 2016

ksld

CHALLA KODANDA RAM, J

