

THE HON'BLE THE ACTING CHIEF JUSTICE
RAMESH RANGANATHAN
&
THE HON'BLE SMT JUSTICE T. RAJANI

WRIT APPEAL No.1003 of 2017

JUDGMENT: (Per Hon'ble the Acting Chief Justice Ramesh Ranganathan)

This appeal, under Clause 15 of the Letters Patent, is preferred against the order of the learned Single Judge in WP.No.23902 of 2012 dated 14.03.2017.

Respondents 4 and 5 in the writ petition have invoked the appellate jurisdiction of this court under Clause 15 of the Letters Patent. The first respondent herein filed the writ petition questioning the action of the respondents in dumping construction material, and in trying to construct an electricity sub-station, in the land of an extent of Ac.0.38 cents in Sy.No.14-7A of Pappireddipalli Village, Madanapalli Mandal, Chittoor District, without initiating land acquisition proceedings, and without giving notice to the petitioner who is the pattadar and possessor of the land, as illegal and arbitrary.

The case of the first respondent-writ petitioner, before the learned Single Judge, was that, while the land of a extent of Ac.0.19 cents was assigned in favour of her husband, another extent of Ac.0.38 cents was assigned in her favour; the authorities had high-handedly dumped material on the said land to occupy an extent of Ac.0.38 cents; and the said action of the respondents was arbitrary and illegal.

In the order under appeal, the learned Single Judge, after taking note of the submission of the appellant herein that the 'D' form patta produced by the petitioner in respect of assignment of Ac.0.387 cents was bogus, examined the original patta and recorded his satisfaction

that the patta was, in fact, given in favour of the first respondent-writ petitioner. The Learned Single Judge also perused the original adanagal Pahani in respect of Ac.0.38 cents in Sy.No.14/7A, and noted that the name of the original pattedar, appearing in columns 12 and 13 relating to the pattedar and possessor, were manipulated by applying white fluid, and in column No.12 it was written as 'anadheenam'; similarly in column No.8, where the description of the land was required to be recorded, the original entry was erased by applying white fluid and it was written as AWD; the entry in column No.6 was removed by applying white fluid, and it was overwritten as Government (prabhutvam); the manipulation in the records, which showed that it was Government land, was not corrected; whenever any correction is made in the permanent Government Records, an enquiry should be made; and, on due enquiry, appropriate proceedings for corrections, if any, in the permanent records should be issued by the competent authority, and the corrections should be made under the signatures of the officers authorised to make corrections in the original record by making a mention of the details of the proceedings at the place where the corrections are carried out. The Learned Single Judge recorded his satisfaction that the original record produced on behalf of the Government had been manipulated, the copy of the patta produced by the petitioner appeared to be genuine, and he was, therefore, not inclined to accept the contentions urged on behalf of the State.

The Learned Single Judge further observed that the mere fact that two separate pattas were granted viz. one to the petitioner's husband and the other to the petitioner herself, did not justify the Government usurping the land allotted to them. Having taken note of the fact that the sub-station had already been constructed on a part of

the land, the learned Single Judge directed the respondents not to interfere with the petitioner's enjoyment over the remaining extent of land from out of Ac.0.38 cents in Sy.No.14/7A, i.e., the remaining land after excluding the area or extent of land over which the electricity sub-station was constructed by respondents 1 to 3 except in accordance with the procedure established by law. Imposing costs of Rs.10,000/-, the learned Single Judge directed the District Collector to forthwith initiate necessary action against the officers and staff concerned of the Tahasil office/MRO's office, or of any other Government office, who were responsible for the manipulation of the Government records, if such action is not already initiated.

The learned Government Pleader for Revenue has reiterated the submissions urged before the learned Single Judge, and has contended that imposition of costs of Rs.10,000/- is wholly unjustified. We are satisfied, however, that the order under appeal does not suffer from any patent illegality and, consequently, does not necessitate interfere in an intra-court appeal under Clause 15 of the Letters Patent. The Learned Single Judge has called for the records, examined them, and has recorded his satisfaction that the patta granted in favour of the petitioner, of an extent of Ac.0.38 cents, was genuine. The Learned Single Judge has also noted that the Government records were manipulated; and the earlier entry, recording the grant of assignment, was removed applying white fluid, and "Government land" was written thereupon. The Learned Single Judge was, therefore, justified in holding that the respondents should be restrained from interfering with the petitioner's possession of the land, except with respect to the area over which the electricity sub-station had already been constructed.

The order of the learned Single Judge imposing costs of Rs.10,000/-, and in directing disciplinary action to be taken against

the officers concerned, is also justified as he has, in the order under appeal, recorded that the original records of the Government had been manipulated and has assigned reasons therefor.

Viewed from any angle we find no infirmity, much less any patent illegality, in the order under appeal justifying interference, with the order of the learned Single Judge, in an intra-Court appeal under Clause 15 of the Letters Patent.

The writ appeal fails and is, accordingly, dismissed. Consequently, pending miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

July 24, 2017
DSK



RAMESH RANGANATHAN, ACJ

T. RAJANI, J