

HON'BLE SRI JUSTICE S.V.BHATT

W.P. No.36151 OF 2013

ORDER:

Heard Mr.V.Naga Praveen for petitioner and the Assistant Government Pleader (Revenue) for respondents.

The petitioner prays for the following relief:

“...this Hon'ble Court may be pleased to issue a writ, order or direction particularly one in the nature of Writ of Mandamus declaring the action of 3rd respondent that the 3rd respondent in making efforts to dispossessing from her agriculture land extent of Ac.0-80 cents in Survey No.586-16P of Devangapuri Village, Chirala Mandal, Prakasam District is illegal, irregular, arbitrary and without jurisdiction and violative of provisions of Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 and of Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971 and offends Articles 14, 21 and 300-A of Constitution of India and consequently direct the 3rd respondent not to interfere into the possession of the property of the petitioner in an extent of Ac.0-80 cents in Survey No.586/16P of Devangapuri Village, Chirala Mandal, Prakasam District and pass”

On 11.12.2013, this Court passed the following interim order:

“Learned Assistant Government Pleader for Revenue (Assignment) take notice for the respondents and seeks time for filing counter-affidavit.

Post on 03.02.2013.

Pending further orders, the respondents shall not interfere with the petitioner's possession of the land admeasuring 0.80 cents in Sy.No.586/16P of Devangapuri Village, Chirala Mandal, Prakasam District”.

The Tahsildar/3rd respondent filed counter affidavit and the relevant portion is excerpted hereunder:

“It is respectfully submitted that no assignment was granted to the petitioner for Ac.0-80 cents in

S.No.586/16P of Devangapuri, H/o Chirala Revenue Village. The particulars of grant of patta in favour of the petitioner are not entered in the D.K.Register of this office. This D.K.Patta was signed by Sri K.Abraham, the then Mandal Revenue Officer and now Retired Deputy Collector. He was called for and his statement was recorded. He has stated that he was not signed the D.K.Patta and Pattadar Pass Book and his signatures have been forged. He has also stated that he never worked as Mandal Revenue Officer, Chirala and he has not even worked as incharge Mandal Revenue Officer. More over the title deed was not signed by the Revenue Divisional Officer, Ongole. As seen from the D.K.Patta it is noticed that fasli is mentioned as 1409 and the date of signature on the patta is 17.09.2000. Fasli 1409 expired by 30.06.2000. Fasli 1410 started from 01.07.2000. Hence, it is clearly established that the D.K.Patta is not a genuine patta and it is a fake patta. It is false to state that the petitioner's family members are in possession and enjoyment of the land was full of bushes and trees after assignment she made the land fit for cultivation is not correct. Even now the land is with full of bushes, the Revenue Staff have taken up reclamation work. The petitioner is never in possession of the scheduled land. The petitioner is claiming the land through a fabricated patta to grab the government land.

It is submitted that the D.K.Patta filed by petitioner is a fake patta. The Pattadar Pass Book and Title Deed issued in favour of the petitioner are also fake. Particulars of PPB & TD are not entered in the 1B Register. PPB & TD bearing No.16475 was issued to the petitioner with khata No.1250. As seen from the 1B Register, Khata No.1250 is registered in the name of Sri Putta Venkateswarlu, s/o Veera Reddy. The petitioner on her family members never cultivated this land and the land is vacant for all these years. It is submitted that the Government collected the water tax for wet lands and no tax collect for dry land. The tax receipt produced by the petitioner was issued by the new incumbent took charge as Village Revenue Officer by mistakenly. All the other allegations made in the affidavit are false and hence the same are denied. The interim order needs to be vacated”.

The petitioner relies upon a few proceedings/grant in assertion of his claim. *Prima facie*, it appears that in his capacity as beneficiary or assignee, the petitioner is claiming possession and complaining against the dispossession from the survey number referred to above, without recourse to law. This Court ought not to ignore the assertion in the counter affidavit that the very assignment, on which this assignee is relying upon, does not exist. Therefore, the petitioner, if so advised is given liberty to represent to the Revenue Divisional Officer for enquiry into the assignment in his favour. Having regard to the admitted circumstances and the disputed circumstances, the writ petition is disposed of by this order:

The respondents are directed not to dispossess the petitioner from Sy.No.586/16P of Devangapuri Village, Chirala Mandal, Prakasam District, except in accordance with law. The parties are directed to maintain *status quo* for a period of three months from today as regards possession and physical features of Sy.No.586-16P till a decision is taken and communicated by the Revenue Divisional Officer. The petitioner is at liberty to submit a representation to the Revenue Divisional Officer for appropriate relief in this behalf within four weeks from today. The Revenue Divisional Officer to dispose of the representation within two weeks thereafter.

There shall be no order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

S.V.BHATT,J

14th June, 2017

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