

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

WRIT PETITION NO.26477 OF 2006

ORDER:

Aggrieved by the action of the respondents in trying to disposes the petitioners from their lands admeasuring Acs.2-50 cents in Sy.No.1406/2, Acs.2-50 cents in Sy.No.1406/1, Acs.2-50 cents in Sy.No.1404/1, Acs.2-50 cents in Sy.No.1404/1A, Acs.2-50 cents in Sy.Nos.1400/1, 1400/2, 1401/3, Acs.2-50 cents in Sy.Nos.1402/2, 1402/3, Acs.2-50 cents in Sy.No.1411/1 and Acs.2-50 cents in Sy.No.1405/1 of Gollapalem Village, Koduru Mandal, Krishna District, the present writ petition is filed.

2. It is the case of the petitioners that they were granted D-Form pattas in the years 1982 to 1986 in respect of the said lands. From the date of grant, they have been in peaceful possession and enjoyment of the said lands by cultivating the same. While so, the second respondent vide proceedings in Rc.B/3068/2003, dated 12.01.2006, issued notices to the petitioners stating that an extent of land admeasuring Ac.54-00 cents belonging to Parvatharaju Cooperative Collective Farming Society, Ramakrishnapuram (fifth respondent herein) was encroached; an enquiry was proposed to conduct on 06.02.2006 for removing such encroachments; and directed the petitioners to appear before him with relevant documents. It was also alleged in the writ affidavit that the fourth respondent, on 07.11.2006, approached the petitioners and threatened them to evict the said lands.

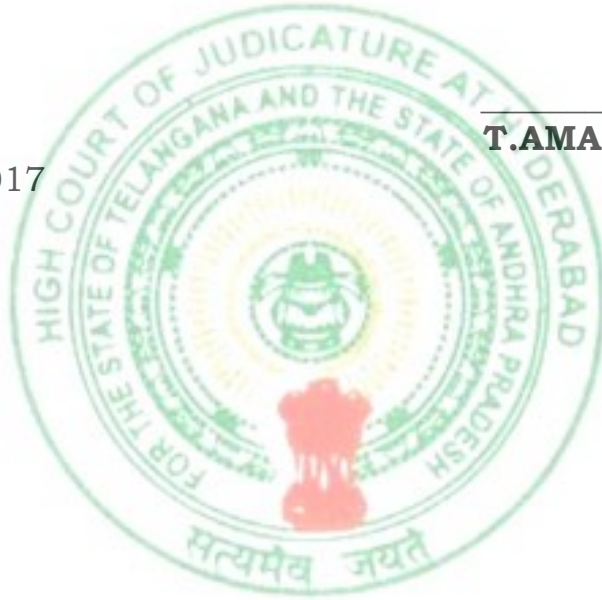
3. The fourth respondent filed a counter affidavit stating that the petitioners were not granted D-Form pattas in respect of the subject lands and they are not in possession of the same. As per the instructions of the second respondent on 12.09.2006, he handed over the total lands admeasuring Ac.54-54 cents in R.S.Nos.1399, 1400, 1403, 1404, 1407, 1408, 1409, 1410, 1411, 1412, 1413 and 1414 of Gollapalem Village, Koduru Mandal, Krishna District to the fifth respondent. In his enquiry, it was elicited that D-Form pattas claimed by the petitioners were created, fabricated and false. He further stated that the second respondent, after going through the reports of the fourth respondent, Revenue Divisional Officer, Bander and the Divisional Cooperative Officer, Bandar, directed him to evict the petitioners from the above lands. In pursuance of the same, he evicted the petitioners from the said lands on 17.09.2006 and now the members of the fifth respondent are in possession of the lands.

4. The petitioners filed reply affidavit stating that the subject lands are situated in Gollapalem Village, but the fourth respondent in his notice refers to the lands in Ramakrishnapuram. The survey numbers and the villages are adjacently located. The petitioners denied the averments that an enquiry has been conducted on 06.02.2006 and that the Revenue Divisional Officer, Bander has recorded the statements.

5. In the facts and circumstances of the case, this writ petition is disposed of, without going into the merits of the case, directing

the petitioners and the fifth respondent to file their representations before the second respondent within four weeks from the date of receipt of a copy of this order. On receipt of such representations, the second respondent shall enquire into the matter and pass appropriate orders, after hearing all the stakeholders, within a period of three months thereafter. Till passing of orders by the second respondent, the parties are directed to maintain *status-quo* over the subject lands. No costs. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

Date: 20-12-2017
TJMR



T.AMARNATH GOUD, J