

HON'BLE SRI JUSTICE S.V. BHATT

W.P. No.6934 OF 2016

ORDER:

The petitioners pray for the following relief:

“...writ of mandamus or an appropriate writ or order declaring the highhanded action of the 3rd respondent in attempting to dispossess the petitioners from their respective house sites in plot Nos. 133 & 134 in Survey Nos. 387/2, 388/2 and 389, Alluru Village, Kothapatnam Mandal, Prakasam District without notice and without any authority of law is illegal, arbitrary and contrary to the principles of natural justice...”

On 03.03.2016, this Court has granted the following interim direction:

“There shall be interim direction to the respondents not to dispossess the petitioners from their respective house-sites without following due process of law.”

The Assistant Government Pleader by reference to written instructions dated 03.03.2016, submits that there has been overlapping of assignments in respect of the same property, the issue of overlapping of assignments is enquired into and if circumstances warrant, for cancellation of one or the other assignment, the procedure will be followed. The Assistant Government Pleader relies upon the following instructions:

“The original beneficiary of the plot No.133 & 134 i.e. Smt.Bathula Dayamma and Smt.Bathula Bhagyamma were approached the then Tahsilder, Kothapatnam in 2013 year and requested for grant of Duplicate House Site pattas. The then Tahsildar was granted duplicate House Site Pattas to them. But the duplicate pattas which was granted was not indicating issuing date.

In the mean while, Smt.Mitnala Kumari w/o.Rama Kotiah was occupied and level the land and erected Stray

Yards. Later on 02.07.2013 the then Tahsildar, Kothapatnam without cancellation of DK Pattas the same was possession Certificates issued in favour of Mitnala Kumar w/o.Rama Kotaiah IN Plot No.133 and Mitnasala Radha w/o.Sarath in Plot No.134 was granted is illegal.

In the above circumstances it is noticed that some House Site Pattas which was granted long back to the beneficiaries were alienated to others un-authorisedly transactions were occurred. Some of the Villagers were represented to the Tahsildar, Kothapatnam stating that some of the beneficiaries which granted were alienated which will be enquired and to short far. And severally representations have been received during Janma Bhumi Programme for grant of House Site Pattas from eligible poor persons of Allur Village. Hence a team was formed for enumeration and 100% re-verification the Hosue Site Pattas which was granted earlier vide this office Proceedings No.A/127/2016, Dt.17.02.2016, At present the enquiry conducting is going on. After completion of the enquiry necessary action will be taken as per rules the same will be submitted to the Hon'ble High Court for kind perusal. Hence the instructions which are submitting may kindly be appraised before the Hon'ble High Court in the interest of justice."

The instructions are placed on record. The parties are directed to maintain *status quo* as regards physical features and possession of subject matter of writ petition till a decision is taken and communicated to the parties.

The writ petition is disposed of accordingly. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

S.V.BHATT, J

Date:25.07.2017
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