

THE HON'BLE SRI JUSTICE S. V. BHATT

WRIT PETITION No. 13638 of 2016

ORDER:

Heard Sri A. Giridhar Rao, learned Counsel for petitioners, and the learned Assistant Government Pleader (Assignment) for Respondents.

2. The petitioners claim to be the assignees of house-site Plot Nos. 67 and 44 in Sy.No.1/1 of Kethanakonda village, Ibrahimpatnam mandal, Krishna district. The writ petition is filed complaining threatened dispossession of petitioners from subject matter of the writ petition without recourse to law. The basis for petitioners' claim is house-site pattas, allegedly granted in their favour and in the information furnished by 2nd respondent, through communication dated 19.12.2015 in RTI/ 510/ 2015.

3. The Assistant Government Pleader for Assignment, on written instructions dated 04.07.2017, contends that the assignment now relied upon by the petitioners are non-existing and the information vide RTI/ 510/ 2015, dated 19.12.2015 is also forged and fabricated. According to the 2nd respondent, each one of the documents relied on by the petitioners is illegal and unenforceable.

4. The learned counsel for the petitioners vehemently contends that the objection now taken by the 2nd respondent is a convenient

plea and there should be a detailed enquiry into the allotment of all houses/ plots in R.S.No.1/ 1 of Kethanakonda village.

5. I have perused the writ averments and the documents on which the petitioners are relying upon. I have carefully examined the written instructions dated 04.07.2017 and the enclosures filed along with the written instructions. *Prima facie*, this court is of the view that the 2nd respondent is disputing the existence or otherwise of the house-site pattas relied upon by the petitioners. The answer to this disputed question of fact is possible only after examination of all records from the office of the 2nd respondent and also taking note of the total extent in R.S.No.1/ 1 of Kethanakonda village, the extent to which house-pattas are granted, and the names of all the beneficiaries etc. Such an enquiry, in the facts and circumstances of this case, is not warranted, but the petitioners can be given liberty to file appeal/ representation before the Revenue Divisional Officer for all reliefs, by enclosing a copy of this order and the Revenue Divisional Officer is directed to call for the records from the 2nd Respondent, afford an opportunity to the petitioners and pass appropriate orders on all the issues, which have bearing in this behalf.

6. The writ petition is accordingly disposed of. As a sequel, the miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

S. V. BHATT, J

July 18, 2017
Kv



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