

HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI

WRIT PETITION No. 12973 of 2007

ORDER:

This writ petition is filed to direct the respondents to induct the petitioner and her family into the assigned house bearing No.25-1-35/1.

The brief facts, of the case, are as follows:

The petitioner's husband was assigned the land to an extent of 0.01-20 cents in Sy.No.41-2A at Hindupuram, Ananthapur district in the year 1993; since then the petitioner along with his family has been residing in the said assigned plot after constructing house thereon; thereafter, the petitioner's husband died and petitioner is living with her children in the said house; that while the petitioner's husband was working as lorry driver, the President of the lorry owners association, Hindupuram gave an amount of Rs. 17,000/- to the husband of the petitioner; and when the same was not paid, a complaint was made to the respondents; the 2<sup>nd</sup> respondent directed the Circle Inspector, Hindupuram to take over the matter; the Circle Inspector bore grudge against her and evicted the petitioner from the said house on 2.3.2007 forcibly; thereafter, wife of one Sri Ibrahim Khan was inducted in the said house by the Circle Inspector; when the said fact was brought to the notice of the higher authorities, the District Collector *vide* proceedings dated 16.3.2007 directed the Tahsildar, Hindupuram to enquire into the matter and report to him; and thereafter, nothing was heard from the respondents.

Today when the matter came up for hearing, none appeared for the petitioners.

The learned Government for Revenue (Assignments) basing on the letter addressed by the Tahsildar, dated 26.6.2007 to the learned Government Pleader for Revenue (Assignments) submits that the husband of the petitioner was assigned a house site plot bearing No.18 in Sy.No.41-2A of Hindupur town as per H.S.R.Dis. No.70/1402, dated 20.02.1993. The assignee was a lorry driver and died on 3.10.2001 and during his life time, he has constructed a house in the said plot assigned to him. While the husband of the petitioner was away from Hindupur, one Sri K.M. Ibrahim Khan, S/o Mohammad Khan, as well as Amruth beedi sales agent have forcibly evicted the family members of the petitioner and occupied the said house. After the petitioner's husband returned from Hindupur, they started living in a rented house. The reasons behind the forcible eviction are not known. Subsequently, both of them i.e., husband of the petitioner and the encroacher of the house Ibrahim Khan died and after death of encroacher, his family members have vacated the said house and settled down in Madakasira. Now the petitioner and her children again occupied the said house and living there. Again the wife of the encroacher, Ibrahimkhan came back and she is living in that house and from then onwards the petitioner and her children are taking shelter in the house of her sister located in the same area and when the Tahsildar, Hindupur enquired, it came to the notice that the original assignee was indebted to K.M. Ibrahim Khan, and due to non payment of debt amount, K.M. Ibrahim Khan evicted the petitioner and her family from the said house and occupied the same.

After demise of both the assignees and Ibrahim Khan, the petitioner is trying to occupy the said house, but she has not given any reasons behind the entire issue and she has refused to sign the statement recorded before the Tahsildar.

The learned Government Pleader submitted that as the petitioner did not cooperate with the Tahsildar in conducting enquiry and proceeding further, he could not do anything.

In view of the facts and circumstances mentioned above, the writ petition is closed as no further orders are necessary. However, if the petitioner gives a fresh complaint to the Tahsildar, he is required to initiate fresh enquiry and take suitable action.

Miscellaneous petitions pending, if any, shall stand closed. No order as to costs.



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KONGARA VIJAYA LAKSHMI, J

Date: 22/06/2018  
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HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI



WRIT PETITION No. 12973 of 2007

Dated:22.06.2018

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