

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION Nos.33397 & 33503 of 2017
and 40773 of 2018

COMMON ORDER:

In all these writ petitions the case of the petitioners is that they were assigned pattas on 05.01.2013, 18.01.2013 and 05.01.2013, respectively, but the respondents have not handed over possession of the assigned lands to the petitioners by fixing the boundaries, till date. Against the same the petitioners also submitted representations dated 17.02.2016 to the District Collector for fixing boundaries and handing over possession of the subject lands, on which the District Collector also made an endorsement directing the 5th respondent to handover possession if the pattas granted to the petitioners are genuine. In spite of the same, no action has been taken by the 5th respondent. On the other hand the respondents are trying to allot the subject land to third parties. Aggrieved by the same, these writ petitions are filed.

Heard learned counsel for the petitioners.

Learned Assistant Government Pleader for Revenue produced written instructions of Tahsildar, Dagadarthi, SPSR Nellore District dated 13.11.2018 stating that the Dharakasth Register pertaining to 5th phase land distribution programme has been verified carefully, but did not find the names of the petitioners in the said register; and thus the pattas now

produced before this Court by the petitioners are considered to have been obtained in a fraudulent manner. It is also stated that since the writ petitioners are not in possession of the Government lands, their names are not considered for grant of DKT pattas.

In the aforesaid written instructions also granting of pattas is disputed.

It is to be seen that when the District Collector made endorsement on the representation of petitioners, the Tahsildar could have verified the register maintained for assignment of lands and the petitioner could have produced evidence. Without taking any action in pursuance to the endorsement made by the District Collector, the respondents cannot allot the self same land to the third parties.

In view of the aforesaid facts and circumstances, the 2nd respondent is directed to verify the assignment register in respect of subject lands and take decision on the representation of the petitioners dated 17.02.2016 and subsequent representations if any, within a period of eight weeks from the date of receipt of a copy of this order. It is also open for the petitioners to file necessary documents. Till such decision is taken by the 2nd respondent, the subject lands shall not be allotted to third parties.

Accordingly, these writ petitions are disposed of. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in these Writ Petitions, shall stand closed.

A.RAJASHEKER REDDY, J

10.12.2018
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