

THE HON'BLE SMT. JUSTICE KONGARA VIJAYA LAKSHMI

WRIT PETITION No. 6984 OF 2013

ORDER:

This Writ Petition is filed to declare the action of the respondent No. 1-Municipal Corporation in threatening to dispossess the petitioner from his plot bearing No. 1 in survey No. 253, situated at Budhawarpet, Kurnool City, which was assigned to him by respondent No. 2 on 07-10-1980 on payment of market value, without issuing any notice and without following due process of law as illegal and arbitrary.

2. The case of the petitioner is that he purchased the subject plot on payment of market value but the respondents are now threatening to dispossess him.

3. On 08-03-2013, this Court issued an *interim* direction staying dispossession of the petitioner for a period of six weeks and it is not extended further.

4. Counter-affidavit has been filed by respondent No. 1 stating that the patta which the petitioner has relied upon is a fabricated one; that as per the statement of District Collector, Kurnool, D-Form pattas cannot be granted in urban areas like Kurnool City; that as per the cause title in the Writ Petition which was filed in 2013, the age of the petitioner was shown as 50 years and therefore his age might be only 17 years in the year 1980 when patta was allegedly granted to him; that by showing the fabricated

D-Form patta, the petitioner is trying to occupy the site in survey No. 261; that the petitioner filed W.P.No. 19445 of 2013 claiming that he obtained patta for an extent of Ac. 0.05 cents in survey No. 290 of Kallur Village and he also filed W.P.No. 8403 of 2013 against the Sub-Registrar, Kurnool, and obtained a direction to get deeds registered and sold the site in question in survey No. 253 and that the Mandal Revenue Officer, Kurnool, has filed a complaint on 17-10-2013 and the same is registered as F.I.R.No. 285 of 2013 of III Town Police Station, Kurnool, under Sections 468 and 420 read with Section 34 of IPC.

5. Heard learned counsel for the petitioner and learned standing counsel for respondent No.1.

6. The contention of learned standing counsel is that the patta relied upon by the petitioner is a forged one and even according to the petitioner, he would be only 17 years old as on the date of grant of alleged patta.

7. In view of the above, the Writ Petition is disposed of directing the respondents to follow due process of law before evicting the petitioner. Pending miscellaneous petitions, if any, shall stand closed in consequence. No costs.

KONGARA VIJAYA LAKSHMI, J.

17-12-2018

JSK