

HON'BLE SRI JUSTICE D.V.S.S. SOMAYAJULU

WRIT PETITION No.16728 of 2019

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue appearing for the 1st to 5th respondents.

The case of the petitioner before this Court is that the petitioner was issued with Pattadar Passbook acknowledging the possession and enjoyment of the land measuring Acs.4-29 cents in Sy.No.163/A6C of Nallathimmayapalle Village. The petitioner relies upon the copy of the pattadar passbook. He also points out that 1-B Record of Rights was issued, on 07.11.2019, by the respondent authorities shows that the petitioner is in possession and enjoyment of this land. Learned counsel therefore submits that the petitioner has been in settled possession and enjoyment of the property. Apart from this, he also relies upon the record furnished under the Right to Information Act, which shows that the petitioner was given the patta for land an extent of Ac.4-29 cents situated in Sy.No.163/A6C of Nallathimmayyapalle Village. This is the record of the assignments in Nallathimmayapalle village, for the years 1995-97. Relying on this document petitioner submits that she is in settled possession of the same and that the respondents without following due process of law and without giving her any notice are attempting to dispossess her.

In reply to this, learned Government Pleader for Revenue, appearing for the respondents, states that the pattadar passbook has been obtained by playing fraud on the revenue authorities. Learned Government Pleader also submits that the petitioner did not produce any patta for the land in question. Therefore, learned Government Pleader submits that the petitioner is not entitled to any protection or any order from this Court.

This Court after hearing both the learned counsel notices that the petitioner states on oath that she was given a pattadar passbook. She has filed a copy of the same. Subsequent records also show that her name is mutated in the revenue records. Lastly, copy of the assignments of Nallathimmayapalle village, which are obtained by her under the provisions of Right to Information Act are also filed. This would also show that the petitioner was assigned land in Sy.No.163/A6C. Therefore, it cannot be totally said that the petitioner has not made out any case whatsoever. However, the instructions of the learned Government Pleader are to the effect that the pattadar passbook was obtained by the petitioner by playing fraud. This is a serious matter which requires investigation. Therefore, this Court is of the opinion that the Writ Petition should be allowed directing the respondents not to interfere with the petitioner's possession and enjoyment of the land except by following due process of law. It is also made clear that the respondents (if they are so

advised) are at liberty to proceed to cancel the documents said to have been fraudulently obtained by following the process of law.

With the above observation the Writ Petition is disposed of. There shall be no order as to costs.

Miscellaneous Applications pending, if any, in this Writ Petition, shall stand closed.

Date:31.10.2019.
Ssv

D.V.S.S. SOMAYAJULU, J