

SUPREME COURT OF INDIA AIR 2000 3595

B. Laxmidevama

Vs.

State of A.P.

S.L.P. (Civil) No. 13052 of 1999

(M. Jagannadha Rao and M. B. Shah, JJ.)

05.05.2000

ORDER

1. The petitioner has filed writ petition No. 5357 of 1999 seeking a direction of writ of mandamus, to the District Collector and other officers for issue of a necessary patta certificate, title deeds and orders in respect of two acres of land in Tirupati town in Survey No. 4049/3 and for the purpose the petitioner relied upon F.O.No. 9006 Revenue (Assignment IV) dated 30-12-1998. The learned single Judge of the High Court dismissed the writ petition by a short order dated 7-3-1999. Against the said order the petitioner filed a Writ Appeal No. 449 of 1994 which was also dismissed on 5-4-1999 by the Division Bench of the High Court. Thereafter the petitioner approached this Court.

2. Initially the Government filed a counter-affidavit dated 28-10-1999 stating that the G.O. produced by the petitioner in Writ Petition was a 'fake' one and further that the order in W.P.M.P. No. 13996/97 in the earlier pending Writ Petition No. 9780/97 is also a fake one. As regards to the W.P. No. 9780/97 it is submitted that it is still pending disposal. The concerned Section Officer at the time of issue of G.O. was Sri J. Srinivasulu Reddy and according to the counter his signature is not tallying with the signature on G.O. The concerned Government Pleader of the Andhra Pradesh High Court stated in his letter dated 26-5-1999 that he personally verified the record in the pending W.P. No. 9780/97 and found that there was no W.P.M.P. No. 13996/97 filed in the said W.P. No. 9780/97.

3. The petitioner filed writ petition in 1999 seeking assignment on the basis of the G.O. and was prepared to pay about Rs. 26 lakhs. The Government filed an additional counter-affidavit giving further details as to how signature of Section Officer and Secretary do not tally. In regard to the G.O. and U.O. note etc. they said that the G.O. is not found in the register of G.O. etc. In reply the petitioner filed a further rejoinder and asserted that the G.O. was a genuine one.

4. In the state of affairs, we do not find anything wrong in the dismissal of the present writ petition by the High Court , both by learned single Judge and by the Division Bench.

5. In addition, we direct the High Court to conduct an enquiry into the matter or have an inquiry conducted as to whether the G.O. was a fake one and whether the interim order dated 11-8-1997 in W.P.M.P. 13396/97 in W.P. No. 9780/97 was a non-existent order and whether any such order in W.P.M.P. was produced before the Secretary to Government, Revenue Department, Hyderabad Shri G. Sudhir, as mentioned in D.O. letter dated 26-4-1999. We have already noticed that a criminal case has been filed against the petitioner in Tirupathi and one other person, who is also said to be connected with the manufacture of the alleged fake order is absconding . We are sure that the High Court will go into the question or have it inquired and take appropriate proceedings depending on the result of the inquiry. Of course , petitioner has to be heard in any such inquiry.

6. We should not be considered as having said anything on the merits of the above questions.

7. The SLP disposed of accordingly.

Order accordingly.