

THE HON'BLE Mr. JUSTICE V.ESWARAIAH

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WRIT PETITION No.2751 of 2006

DATED:16.02.2006

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Between:

1.S.Sekhar Reddy and another

.....Petitioners

AND

1.The Revenue Divisional Officer,

Koderu Mandal, Mahaboobnagar District

...Respondents

THE HON'BLE Mr. JUSTICE V.ESWARAIAH

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WRIT PETITION No. 2751 of 2006

ORDER:

This writ petition is filed by the petitioners seeking a direction, more particularly in the nature of writ of mandamus to declare the action of the 1st respondent in not entertaining the stay petition in the appeal filed by them as illegal and arbitrary.

Heard the learned Counsel appearing for the petitioners as well as the learned Government Pleader for Revenue.

It is stated that the petitioners purchased an extent of Ac. 2.00 Cents of land in

Survey No. 280/2 situated at Koderu Village, Koderu Mandal, Mahaboobnagar, Mahaboobnagar District, and got it registered in favour of the District Medical & Health Officer, Mahaboobnagar District, Mahaboobnagar for the purpose of constructing a Primary Health Center and therefore, they are not claiming any rights over the said property. It is also stated that there is another extent of Ac. 1.39 Guntas of land in the Survey No. 280/2 abutting the said land, which was also purchased by them, and they were in possession and enjoyment of the same. The 2nd respondent passed the impugned order dated 24.01.2006 stating that the said extent of Ac. 1.39 guntas is an assigned land and therefore, the purchase of the said land by the petitioners is in contravention of Sub Sections-(1) & (2) of Section 3 of the A.P. Assigned Land (Prohibition of Transfers Act), 1977, (for short 'the Act) and accordingly, the impugned order has been passed under Section 4 (1) of the Act resuming the said land to the Government while setting apart the remaining land which was in occupation of the Government Primary Health Center (PHC). As against the said order, the petitioners preferred an appeal before the first respondent-Revenue Divisional Officer, Koderu Mandal, Mahabubnagar District, under Section 4 (A) of the Act along with an application to grant stay. It is stated that the stay application is filed on 08.02.2006 and the same has not been considered.

I am not inclined to express any opinion on the merits of the case, as the statutory appeal is pending. Hence, it is just and proper to maintain status quo obtaining as on today with regard to the possession of Ac.1-39 guntas of land.

Accordingly, the writ petition is disposed of directing the first respondent to dispose of the appeal itself filed by the petitioners within a period of six weeks from the date of receipt of a copy of this order, if the same has not already been disposed of as on today, in accordance with law, after affording an opportunity to both the parties, and till then, the status-quo obtaining as on today with regard to the possession of the land in question, shall be maintained.

With the above directions, the Writ Petition is disposed of. No order as to costs.

16th February, 2006

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