

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

THE HONOURABLE SRI JUSTICE ELIPE DHARMA RAO

W.P. No. 16144 OF 2005

Dated : 29-07-2005

Between:

Chalamalasetty Mahalakshmi

Petitioners

AND

The District Collector, Machilipatnam,
Krishna District and two others.

Respondents

THE HONOURABLE SRI JUSTICE ELIPE DHARMA RAO

W.P. No. 16144 OF 2005

ORAL ORDER:

The petitioner herein seeks a writ of mandamus declaring the action

of the respondent authorities in trying to dispossess the petitioner from an extent of Ac.2.00 covered by S. No. 322/2 situated at Kona Village, Machilipatnam Mandal, as illegal, arbitrary and contrary to the provisions of Act 9 of 1977 and to consequently direct the respondents not to evict the petitioner from the said land.

The case of the petitioner is that she purchased the above extent of land from one Smt. Ch. Mahalakshmi under agreement of sale dated 22.6.1999 for valuable consideration and invested huge amounts for development and converted the same into prawn tanks. While so, the third respondent issued notice under Form 1 invoking provisions of Rule 3 of the A.P. Assigned Land (Prohibition of Transfers) Act, 1977 on 5.3.2005 in the name of the petitioner's husband, calling gfor his explanation why he should not be evicted from an extent of Ac.1.83 cents in RS. No. 320/2 and Ac.2.00 covered by Sy. No.325/2, inasmuch as the lands are acquired in contravention of the provisions of Act 9 of 1977. It is further submitted that her husband submitted explanation to the third respondent on 23.3.2005, stating that he is not in possession of the land in Sy. Nos. mentioned in the notice.

Having regard to these facts, since the matter is pending with the Mandal Revenue Officer – 3rd respondent herein, I deem it appropriate to direct him to consider the explanation dated 23.3.2005 said to have been submitted by the petitioner's husband and disposed of the same, after hearing the petitioner, within a period of twelve weeks, from the date of receipt of a copy of this order, in accordance with law. Till such time, the respondents are directed not to interfere with the possession and enjoyment of the petitioner. The writ petition is accordingly disposed of. No order as to costs.

Elipe Dharma Rao, J.

July 29, 2005

MAS.