

THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION NO. 3718 OF 2006

DATED: 28-02-2006

BETWEEN:

Shaik Kalesha, S/o. Khader Saheb ... Petitioner

and

The District Collector

Nellore, Nellore District

and three others ... Respondents

THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION NO.3718 OF 2006

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ORDER:

Petitioner filed this writ petition seeking to declare the inaction of the 1st respondent in considering the petitioner's representation dated 07-10-2005 as illegal and arbitrary.

Heard the learned counsel for the petitioner and the learned Government Pleader for the respondents 1 and 2, and perused the entire material on record.

It is stated that as against the apprehended action to be taken by the respondents 1 and 2, the unofficial respondents 3 and 4 filed W.P.No.1793/2003 on the file of this court stating that the respondents 1 and 2 seeking a direction not to interfere with their possession of the land in their occupation and the said writ petition was dismissed by this court on 18-04-2003, rejecting the claim of the respondents 3 and 4(petitioners therein) on the ground that no action has

been taken to evict the unofficial respondents. It was the contention of the learned Government Pleader in the said writ petition that the unofficial respondents have purchased the assigned land and therefore, the government is contemplating to resume the said lands after following due procedure prescribed in law.

Learned counsel appearing for the petitioner submitted that the petitioner and some other villagers of Lebur village, Indukurpet Mandal, Nellore District filed a representation dated 07-10-2005 before the first respondent marking a copy to the Superintendent of Police, Nellore requesting him to give suitable directions to the Mandal Revenue Officer, Indukuru for removing obstruction and for formation of the pathway. It is stated that the unofficial respondents are in possession of the assigned land and they are obstructing the villagers to go to their fields through the said pathway. If any assigned land is in occupation of private individuals and if any assigned lands are transferred or alienated contrary to the provisions of Section 3 of the A.P. Assigned Lands (Prohibition of Transfers) Act, 1977, it is always open for the respondents 1 and 2 to take appropriate action in accordance with law.

Having regard to the facts and circumstances of the case, the writ petition is accordingly disposed of and the first respondent is directed to consider and dispose of the representation dated 07-10-2005 so as to enable the Mandal Revenue Officer, Indukur to take appropriate action after giving reasonable opportunity to the persons who are in occupation of the assigned lands and were obstructing the path way in accordance with law. No order as to costs.

V. ESWARAIAH, J.

Dated: 28-02-2006

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