

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE V. ESWARAI AH

WRIT PETITION No. 24841 OF 2007

DATED: 30-11-2007

BETWEEN:

Dandu Sitarama Raju

.....Petitioner

AND

The Tahsildar, Attili Mandal,
West Godavari District and another

.....Respondents

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WRIT PETITION No. 24841 OF 2007

ORDER:

It is the case of the petitioner that he was assigned an extent of Ac.0.34 cents of agricultural land in Survey No. 247/2 of Eeaduru Village on 21-2-1989 and since then he has been in continuous possession and enjoyment of the same without any interruption whatsoever and he has never violated any terms and conditions of the assignment. While so, the Tahsildar, Attili Mandal issued a show cause notice dated 7-4-2007 under Rule 3 of the Andhra Pradesh Assigned Lands (Prohibition of Transfer) Rules, 2007 addressed to the petitioner stating that he was assignee of the said Ac.0.34 cents of land and the said land was found transferred in favour of one Mangara Nagamalleswara Rao and accordingly, he was called upon to submit his explanation within 15 days as to why he shall not be evicted summarily and as to why the said land shall not be resumed to the Government. It is stated that the petitioner submitted his explanation before the Tahsildar, Attili stating that he never transferred the land in favour of Mangara Nagamalleswara Rao and he himself is in possession and enjoyment of the same. It is further stated that the petitioner also filed a representation before the Revenue Divisional Officer against the said show cause notice and the Revenue Divisional Officer directed the Mandal Revenue Officer to conduct a detailed enquiry into the matter and pass appropriate orders in accordance with law.

The only grievance of the writ petitioner is that even before the enquiry is completed and final orders are passed under the provisions of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977, his possession is sought to be interfered with.

Learned Government Pleader submits that the enquiry is

pending on the file of the 1st respondent and that the land which is in possession of the transferee was taken over and handed over to the Village Revenue Officer for the safe custody.

Learned counsel for the petitioner submits that the alleged sale deed relied on by Mangara Nagamalleswara Rao is not at all executed by the petitioner and the sale deed obtained by the transferee is executed by one Smt. Kanumuri Padmavathi,

W/o. Kunumuri Hari Nadha Raju and one Smt. Subba Lakshmi W/o Rama Linga Raju. He further submits that the said vendors have no right, authority or any title to alienate the said property and, therefore, the petitioner is not governed by the said sale deed. In fact, the said Mangara Nagamalleswara Rao also filed a representation stating that there was some mistake in obtaining the sale deed by him with regard to Ac.0.34 cents of land in Survey No. 247/2, which was assigned in favour of the petitioner and the said wrong entry is to be rectified.

I am of the opinion that even before passing the final order under Section 4-1(a) of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977, the question of taking over possession does not arise and, therefore, the petitioner is entitled to continue to be in possession till the final orders are passed.

Having regard to the facts and circumstances of the case, the writ petition is disposed of directing the 1st respondent to complete the enquiry pursuant to Form-I notice issued to the petitioner in accordance with law and keeping in view the orders passed by the Revenue Divisional Officer, Kovvuru and pass appropriate orders.

V. ESWARAIAH, J

30-11-2007

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