

**THE HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR**

**W.P.No.38685 OF 2015**

**ORDER:**

The petitioner claims that it has purchased a total extent of Ac.10.24 cents of land in Survey Nos.474/2, 474/3, 474/4 and 474/7 of Yanamadala Village, Prathipadu Mandal, Guntur District, under registered sale deed, dated 26.08.2014, vide document No.9364 of 2014. The said sale deed was entered after confirming that the lands are not assigned lands as per the certificate issued by the 4<sup>th</sup> respondent. Thereafter, the petitioner claims to have got the lands converted into non-agricultural purpose as per orders of the competent authority viz. the 4<sup>th</sup> respondent-Revenue Divisional Officer and thereafter, established Dairy Farm by obtaining loan from the Corporation Bank and stated to be running the same. While so, the petitioner was served with a notice dated 13.10.2015 under Rule 3 of the A.P. Assigned Lands (Prohibition of Alienation) Act, 1977 on the ground that the assigned land was transferred in favour of the petitioner. A detailed reply was given by the petitioner on 27.10.2015 and the proceedings are stated to be pending with the 4<sup>th</sup> respondent. Apprehending that there is an imminent threat of dispossession of the petitioner by the 4<sup>th</sup> respondent, the present writ petition is filed.

Sri S.Ravi, Senior Counsel representing Sri M.Sudheer Kumar, learned counsel for the petitioner states that subsequent developments and additional events are necessary to be brought to the notice of the 4<sup>th</sup> respondent. Hence, the petitioner may be permitted to file an additional reply to the said show cause notice.

In view of the fact that the petitioner has already replied to the show cause notice and the issue is pending consideration before the 4<sup>th</sup> respondent, no action as to dispossession of the petitioner can be taken, unless and until

the 4<sup>th</sup> respondent considers the said reply and then pass a reasoned order.

The writ petition is, therefore, disposed of directing the 4<sup>th</sup> respondent to ensure that there is no dispossession of the petitioner or interference, otherwise by the 4<sup>th</sup> respondent or his subordinates with the petitioner's possession and enjoyment of the aforesaid land, till the 4<sup>th</sup> respondent considers the petitioner's reply and pass a reasoned order, either accepting or rejecting the said reply. In the event of any adverse order being passed against the petitioner, the same shall not be given effect to for a period of two weeks, to enable the petitioner to avail alternative appellate remedy. The petitioner is granted a weeks time in the event if it wishes to file additional reply and thereafter, the 4<sup>th</sup> respondent shall consider the request of the petitioner and then take appropriate decision while passing the reasoned order and communicate the same to the petitioner. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in the writ petition shall stand closed.

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**VILAS V.AFZULPURKAR, J**

27.11.2015

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**DATE: 27.11.2015**

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