

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH

WRIT PETITION No.22581 of 2015

Between:

Karriyavula Pakeeraiah, s/o Late Pakeeraiah,

Aged: about 60 years, Occ: Agriculture,

R/o Padamati Naidupalli post and village,

Marripadu Mandal, SPSR Nellore district

and two others

... Petitioners

and

The State of Andhra Pradesh Re.p by its Principal Secretary, Revenue

Department, Secretariat Buildings, Hyderabad and two others..

... Respondent(s)

WRIT PETITION No.22646 of 2015

Between:

S.K.Ramthulla, S/o Bikari Saheb,

Aged about 59 years, Occ: Agriculture,

r/o Padamatinaidupalli post and village,

Marripadu Mandal, SPSR Nellore district.

... Petitioner

and

The State of Andhra Pradesh Re.p by its Principal Secretary, Revenue

Department, Secretariat Buildings, Hyderabad and two others..

... Respondent(s)

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DATE OF JUDGMENT PRONOUNCED: 22nd July, 2015.

SUBMITTED FOR APPROVAL:

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

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| <u>1</u> | <u>Whether Reporters of Local newspapers</u>
<u>may be allowed to see the Judgments?</u> | <u>Yes/No</u> |
| - | | |
| <u>2</u> | <u>Whether the copies of judgment may be</u>
<u>marked to Law Reports/Journals</u> | <u>Yes/No</u> |
| - | | |
| <u>3</u> | <u>Whether Their Ladyship/Lordship wish to</u>
<u>see the fair copy of the Judgment?</u> | <u>Yes/No</u> |

THE HONOURABLE SRI JUSTICE VILAS V. AFZULPURKAR

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WRIT PETITION Nos.22581 & 22646 of 2015

COMMON ORDER:

Petitioner in *WP.No.22646 of 2015* claims that he purchased Ac.4.98 cents situated at Padamati Naidupalli Village, Marripadu Mandal, SPSR Nellore District under a registered sale deed dt.13.08.1982 in document No.1642 of 1982 and has been in possession throughout. He asserted that his name is recorded in the revenue records and pahanies as pattadar and possessor. He also holds pattadar pass book and title deeds. Similarly, 1st petitioner in *WP.No.22581 of 2015* acquired Ac.1.87 gts in survey No.313/2 of the same village by way of inheritance and so also the 2nd petitioner acquired Ac.1.24 gts and 3rd petitioner acquired Ac.1.87 gts in survey No.313/2 of the very same village by way inheritance. They also claim that their names are recorded in the revenue records as pattadars and are holding pattadar pass books.

2. While so, the petitioners in both writ petitions are aggrieved by notice under Section 3 of the A.P. Assigned Lands (POT) Act, 1977 given to them by the 3rd respondent alleging that they are occupying assigned lands under an agreement of sale. The said notices are questioned in these writ petitions alleging that the 3rd respondent is likely to dispossess them without following due process of law.

3. Learned Counsel for the petitioners submit that petitioners already given a reply to the said notice asserting that the lands in question are not assigned lands but their private lands, as such action initiated by the 3rd respondent is not justified.

4. Whether the lands are assigned lands or not, is a matter which

the 3rd respondent has to appreciate after considering the explanation submitted by the respective petitioners. The 3rd respondent is also required to pass a reasoned order for taking any decision which he proposes to take. Till such a decision is taken by the 3rd respondent, it cannot be said that there is any reason for the petitioners to be threatened with dispossession.

5. However, in order to safeguard the interests of the petitioners in both petitions, the 3rd respondent is directed to consider the petitioners' representations and pass appropriate orders as mentioned above and till he takes appropriate decision, petitioners shall not be disposed from their respective extent of lands.

6. With the above direction, these Writ Petitions are disposed of. There shall be no order as to costs.

7. As a sequel, miscellaneous applications pending if any, shall stand dismissed.

VILAS V. AFZULPURKAR, J

22nd July, 2015.
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