

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NO.10115 OF 2005

DATED 24th APRIL, 2015

Between:

Narsineni Prabhakar .. Petitioner

and

The District Collector, Nellore

and others .. Respondents

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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WRIT PETITION NO.10115 OF 2005

ORDER

This writ petition was filed assailing the action of the respondent authorities in trying to dispossess the petitioner from the land admeasuring Ac.2.79 cents situated in Sy.No.641.2 of Dagadarthi Village and Mandal, Nellore District, without following the due process of law.

By order dated 28.04.2005, this Court directed the respondent authorities not to dispossess the petitioner from the land in question without following the due process of law.

The Mandal Revenue Officer, Dagadarthi, filed a counter-affidavit as long back as in November, 2006 stating that the subject land was an assigned land and that the petitioner herein claimed it through the alienees from the original assignee. He further stated that a notice under Section 3 of the A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 was issued as long back as in the year 2004 and thereafter, resumption orders dated 02.08.2004 were also passed. No reply affidavit was filed rebutting the aforestated counter averments.

In that view of the matter, the petitioner would necessarily have to take steps for challenging the action already initiated in respect of the subject land by the revenue authorities and cannot agitate the cause as presently put forth in this writ petition. In the event possession has not been taken pursuant to the resumption orders, the respondent authorities would be bound to follow the due procedure laid down by law.

Reserving liberty to the petitioner to take appropriate steps in accordance with law, the writ petition is dismissed. Interim order dated 28.04.2005 shall stand vacated. Pending miscellaneous petitions, if any, shall also stand dismissed in the light of this final order.

SANJAY KUMAR, J

24th APRIL, 2015

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