IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA PRADESH
(Special Original Jurisdiction)

MONDAY, THE THIRTEENTH DAY OF JULY
TWO THOUSAND AND FIFTEEN
PRESENT

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION Nos.21365, 21374, 21396, 21408, 21414, 21415, 21420, 21426, 21429, 21432, 21433, 21436, 21438, 21442, 21444, 21446, 21454 and 21456 of 2015

BETWEEN

Tadanki Vijay Babu and others.

... PETITIONERS

AND

State of Andhra Pradesh, Rep. by its Principal Secretary to Government, Revenue Department, A.P. Secretariat, Hyderabad and others.

...RESPONDENTS

Counsel for the Petitioners: MR N. SUBBA RAO

Counsel for the Respondents: GP FOR REVENUE (AP)

The Court made the following:

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COMMON ORDER:

Petitioners claim to be successors in interest of the original assignees,

who were granted assignments under the category of ex-serviceman, who had fought the II World War. Petitioners have produced a copy of the assignments in favour of their forefathers with respect to various survey numbers and extents of Gollapaudi village, Vijayawada Mandal, Krishna District, as mentioned in the prayer in the respective writ petitions. Petitioners claim that their forefathers were in possession and enjoyment of the respective lands from the date of assignment and have produced various documents in support of their claim.

2. The grievances of the petitioners in this batch of writ petitions are manifold viz. petitioners seek deletion of the subject lands from the list of prohibited lands communicated by respondents 2 to 4 to respondents 5 to 7. Petitioners also seek that the proceedings under the A.P. Assigned Lands (Prohibition of Transfer) Act and A.P. Land Encroachment Act are not to be invoked as the lands claimed by the petitioners cannot be treated as either assigned land or Government lands. Petitioners also seek that their entitled to issuance of pattadar passbooks and title deeds for which they have already made application under Form 6-A in June 2015. Petitioners also seek further direction to respondents 5 to 7 to receive register and release the documents, in respect of the said lands, presented to the Sub-Registrar.

3. The aforesaid various prayers made in the writ petitioners are sought to be justified by the learned counsel for the petitioners in view of the assignment made in 1950. Learned counsel for the petitioners states that there was no condition of prohibiting alienation, as the assignments in these cases are of 1950, as such, the lands cannot be treated as assigned lands. Secondly, the said lands cannot be included in the list of prohibited lands.

4. Though all these contentions are raised including the contention that the petitioners are being interfered with and likely to be dispossessed from their respective lands on the ground that they are included in the prohibited

list of lands, at this stage, the Mandamus sought for by the petitioners for various reliefs cannot be entertained, particularly, as the petitioners have not made representation at least to respondents 1 and 2 seeking deletion of their lands from the list of prohibited category on the grounds as raised hereinabove.

The Mandamus, therefore, cannot be issued unless there is a demand and refusal.

5. Petitioners, therefore, are at liberty to make appropriate representation to respondents 1 and 2 seeking deletion of the said lands from the prohibited lands on the grounds as urged hereinabove. Apart from that, respondents 1 to 4 cannot straightaway dispossess the petitioners without following due process of law and as such,

even before issuance of any notice, declaration sought for by the petitioners with regard to inapplicability of the A.P. Assigned Lands (Prohibition of Transfer) Act and A.P. Land Encroachment Act cannot be granted at this stage. However, it is necessary to direct respondents 1 to 4 to follow due process of law by giving notice to the petitioners, if their possession is found to be objectionable on any ground and afford them adequate opportunity to submit their explanation and then consider the same and pass a detailed order.

Till the completion of the exercise, as above, petitioners shall not be dispossessed of the lands claimed by the petitioners in the respective prayers in the writ petitions. If the petitioners make appropriate representations seeking deletion of their lands from the list of prohibited lands, respondents 1 and 2 shall examine the said matter with reference to the records and take appropriate decision in the matter and communicate the same to the petitioners, preferably, within a period of two (2) months from the date of receipt of representations from the petitioners.

The writ petitions are disposed of. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

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VILAS V. AFZULPURKAR, J

July 13, 2015

Note: Furnish C.C. of the order in one week.

(B/o) DSK