

**HON'BLE SRI JUSTICE A. RAJASHEKER REDDY**

**Writ Petition No.26054 of 2015**

**Date: 18-08-2015**

Between:

A. Obilesu

.. Petitioner

AND

The State of Andhra Pradesh, represented by  
Its Principal Secretary, Revenue Department,  
Secretariat, Hyderabad and 3 others

.. Respondents

**HON'BLE SRI JUSTICE A. RAJASHEKER REDDY**

**Writ Petition No.26054 of 2015**

**ORDER:**

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The writ petition is filed for a mandamus declaring the action of the 4<sup>th</sup> respondent in trying to dispossess the petitioner from the lands in Survey No.425-11 to an extent of Ac.1.80 cents of Singanamala village and Mandal and in Survey No.296-6 to an extent of Ac.1.00 cents of Chakrayapeta village, Singanamala Mandal, Ananthapur District without considering the representation dated 01-02-2015 for issuance of D-form patta in respect of above lands in favour of the petitioner as illegal and arbitrary and for a consequential direction to the respondents 2 to 4 not to dispossess the petitioner from the lands in question.

2. The case of the petitioner is that he is resident of Bandameedapalli village, Singanamala Mandal, Ananthapur District and has been in possession and enjoyment of the lands in Survey No.425-11 to an extent of Ac.1.80 cents of Singanamala village

and Mandal and in Survey No.296-6 to an extent of Ac.1.00 cents of Chakrayapeta village, Singanamala Mandal, Ananthapur District. Originally, the father of the petitioner was in possession and enjoyment of the above lands and now the petitioner is in possession and enjoyment of the same. The petitioner dug the bore well and obtained electricity connection and also is irrigating crops of Mango and Berry, which are 10 years of age. It is stated that the petitioner submitted a representation to the 4<sup>th</sup> respondent requesting to issue D-form patta in respect of above lands since the lands are Government lands. But, the 4<sup>th</sup> respondent, without considering the said representation, is making hectic efforts to dispossess the petitioner from the lands in question without following due process of law. Aggrieved by the same, the present writ petition is filed.

3. Heard the learned counsel for the petitioner and the learned Assistant Government Pleader for Revenue.

4. Learned Assistant Government Pleader produced a copy of Para-wise Remarks wherein it is stated that the father of the petitioner has purchased the subject lands from the original assignee i.e. Doddanna, S/o Roganna of Sodanapalli village and the petitioner's family has been in possession and enjoyment of the lands in question after the demise of the father of the petitioner and that the possession and enjoyment of the petitioner over the lands was never disturbed. It is asserted that subsequent to the death of his father, the petitioner and his brothers divided the property among themselves in oral partition and the subject lands fallen to the share of the petitioner and when there was a dispute arose between the petitioner and his brothers, one of his brothers has been demanding a share in the lands stands confirmed in the name of the father, for which the petitioner requested to grant D-

form patta in his favour against the land in question disregarding the coparcenary rights of other brothers. It is further asserted that by virtue of confirmation of sale on the land by Tahsildar, Singanamala in R.Dis.No.251/1997/B, dated 21-04-1997, the petitioner automatically gets his share of the right in the land, but the prime demand of the petitioner is to confirm total right on the land to the petitioner only.

5. Admittedly, the petitioner was in possession and enjoyment of the subject lands for the last 10 years having acquired the same in an oral partition alleged to have been effected between him and his brothers after the demise of his father. In the Para-wise remarks, the 4<sup>th</sup> respondent has categorically stated that the father of the petitioner has purchased the lands from the original assignee and the peaceful possession and enjoyment of the petitioner was never disturbed.

6. Having regard to the facts and circumstances of the case, if the father of the petitioner has purchased any assigned lands, it is always open for the respondent authorities to follow the procedure as envisaged under the provisions of A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 and take appropriate action in accordance with law. However, the respondent authorities stated that they never disturbed the possession and enjoyment of the petitioner over the lands in question.

In view of above facts and circumstances, the respondent authorities are directed not to interfere with the possession of the petitioner. However, this order will not preclude the respondent authorities from taking appropriate action by following due procedure as envisaged under the provisions of A.P. Assigned Lands (Prohibition of Transfers) Act, 1977, if the subject lands are assigned lands.

With the above direction, the writ petition is disposed of at the stage of admission. No costs.

**A. RAJASHEKER REDDY, J**

Date: 18-08-2015

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