

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

Writ Petition No.21296 of 2012

Date: 22-09-2015

Between:

Gundla Ganganna

.... Petitioner

AND

The Tahsildar, Sarangapur Mandal, Adilabad
And 3 others

.... Respondents

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

Writ Petition No.21296 of 2012

ORDER:

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Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue. With the consent of both parties, the writ petition is heard at the stage of admission.

2. The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action of the respondents 1 to 3 in not taking any action on the representation of the petitioner dated 25-08-2011 requesting to initiate proceedings under Section 4 (1)(b)(i) & (ii) of the A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 and rules made thereunder as illegal and arbitrary and consequently, to direct the respondents 1 to 3 to take suitable steps under the said Act and restore the possession of the land to the petitioner in Survey No.457/13, admeasuring Ac.2.10 guntas situated at Boregaon village of Sarangapur Mandal, Adilabad District by evicting the 4th respondent from the land.

3. Though various grounds raised in the writ petition, the

learned counsel for the petitioner submits that the proceedings initiated under Section 3 of the A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 bearing No.a/62/07, dated 10-04-2007 are pending consideration before the 1st respondent-Tahsildar, Sarangapoor Mandal. He further submits that the dispute between the parties gets resolved once the proceedings are decided. Learned Government Pleader did not deny the pendency of the proceedings initiated under Section 3 of the Act. However, the learned counsel for the 4th respondent submits that the mother of the petitioner sold the land to him and he is in possession and enjoyment of the property. There appears to be some dispute as to the sale by the mother of the petitioner, as the same is strongly denied by the petitioner.

4. Since these are all purely disputed questions of fact, which have to be decided by a competent authority, this court can not adjudicate such disputed questions of fact in exercise of power of extraordinary jurisdiction under Article 226 of the Constitution of India. But, suffice would it be to direct the 1st respondent-Tahsildar, Sarangapoor Mandal to dispose of the proceedings initiated under Section 3 of the Act at the earliest.

5. Accordingly, the writ petition is disposed of directing the 1st respondent-Tahsildar, Sarangapur Mandal, Adilabad District to dispose of the proceedings in A/62/2007, dated 10-04-2007 initiated under Section 3 of the A.P. Assigned Lands (Prohibition of Transfers) Act, 1977, as expeditiously as possible, preferably within a period of three months from the date receipt of a copy of the order, in accordance with law, after affording a reasonable opportunity to all the necessary parties including the 4th respondent. There shall be no order as to costs. As a sequel

thereto, miscellaneous petitions, if any, pending shall stand closed.

C. PRAVEEN KUMAR, J

Date: 22-09-2015

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