

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

WRIT PETITION No. 31225 of 2011

Between:

Munagala Penchal Reddy

.. Petitioner

and

The District Collector, Nellore and others

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 19.08.2015

SUBMITTED FOR APPROVAL:

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THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

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

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

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ORDER:

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Heard learned counsel for the petitioner and learned Government Pleader for Revenue appearing for the respondents. With the consent of the parties, the writ petition is disposed of at the admission stage itself.

The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action of the respondents in trying to dispossess the petitioner from the land admeasuring Acs.5.07 cents in Sy.Nos.718/1-5, 718/1-6, 718/2, and 718/7 situated at Nagulavaram Village, Bogole Mandal, Nellore District, as illegal and arbitrary.

The case of the petitioner is that he purchased land to a total extent of Acs.5.07 cents in Sy.Nos.718/1-5, 718/1-6, 718/2, and 718/7 situated at Nagulavaram Village, Bogole Mandal, Nellore District, from one Garipati Venkaiah and six others for a valid sale consideration under an agreement of sale dated 20.07.1998, and since then, he is in possession and enjoyment of the same and eking out his livelihood by doing cultivation. It is stated that the petitioner is regularly paying land revenue to the Government and his possession was also recorded in the revenue records. While things stood thus, the Village Revenue Officer is said to have obstructed the petitioner from carrying on with the agricultural operations, as per the instructions of the 3rd respondent. It is also stated that when the petitioner

approached the 3rd respondent, he was informed that the land was an assigned land, and as such, he is not entitled to enter upon the land. Questioning the action of the 3rd respondent, the writ petition is filed.

The learned counsel for the petitioner mainly submits that even if the petitioner purchased the assigned land, he is entitled for regularization of the same under the provisions of A.P. Assigned Lands (Prohibition of Transfers) Act 9 of 1977 (for short 'the Act') as he is a landless poor person, and the 3rd respondent is bound to issue a notice to the petitioner under Section 3 of the Act before taking action. In the absence of any such notice being served on the petitioner, the learned counsel submits that the action of the 3rd respondent in trying to dispossess the petitioner from the land is illegal and unjust.

No counter is filed on behalf of the respondents. However, the learned Government Pleader for Revenue, on instructions, submits that no coercive action will be taken against the petitioner, without following the due process of law.

Recording the submission made by the learned Government Pleader for revenue, the Writ Petition is disposed of, by directing the respondents not to dispossess the petitioner from the land admeasuring Acs.5.07 cents in Sy.Nos.718/1-5, 718/1-6, 718/2, and 718/7 situated at Nagulavaram Village, Bogole Mandal, Nellore District, without following the due process of law. There shall be no order as to costs.

Consequently, miscellaneous petitions pending if any in

the writ petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

19th August, 2015
cbs

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

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cbs