

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.11514 of 2005

Dated : 19.02.2015

Between:

D. Yadi Reddy S/o.Late Veera Reddy,
Aged about 50 yrs, Occu : Agriculture,
R/o.Thatti Annaram Village, Hayathnagar Mandal
Ranga Reddy District & 2 others

.. Petitioners

And

The Joint Collector,
R.R. District No.1, Lakidikapool,
Hyderabad & 2 others

.. Respondents

This Court made the following :

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ORDER :

The case of the petitioners is that land to an extent of Ac.5.00 in Survey No.26 of Thatti Annaram Village, Hayathnagar Mandal, Ranga Reddy District, was purchased vide registered sale deed Document No.15825/88 dated 29.12.1988 from one Nellutla @ Kummari Narasimha S/o.Pentaiah, and ever since the petitioners are in possession and enjoyment of the said land. Vide proceedings bearing No.B/4967/89 dated 22.03.1990 the names of the petitioners were mutated in revenue records. The petitioners were issued pattadar pass books and title deeds bearing Patta No.36 to an extent of Ac.1.27 guntas to the 1st petitioner, Patta No.32 to an extent of Ac.1.26 guntas to the 2nd petitioner and Patta No.31 to an extent of Ac.1.26 guntas to the 3rd petitioner.

2. While so, notice was issued to the original assignee on 15.03.2005 alleging violation of the provisions of A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 (for brevity 'Act, 1977'). The petitioners were not put on notice and were not aware of the action initiated by the competent authority. Having come to know about issuance of such notice, petitioners have submitted representation to the Deputy Collector-cum-Mandal Revenue Officer, Hayathnagar Mandal (3rd respondent). No reply was given to the said representation. Apprehending that petitioners may be dispossessed without following due process of law, this writ petition is filed.

3. This Court by order dated 24.05.2005 directed maintenance of status quo as to the dispossession of the petitioners from the property in question, obtaining as on that date.

4. When the matter is taken up for consideration learned Assistant Government Pleader, produced written brief note signed by the 3rd respondent. According to the said note, having noticed that assignee in violation of the conditions of assignment disposed off the land and therefore, the said assignment was liable to be cancelled, notice was issued to the assignee. The Deputy Collector admits of the fact of petitioners submitting the representation to him with a request to drop further action and also admits of the fact that no orders are passed on the said representation.

5. The Deputy Collector states that as per the provisions of the Act 1977, fresh notices would be issued in Form-I to the assignee or his Legal representatives and in Form-II to the purchasers and the matter will be heard by giving due opportunity to all the concerned and appropriate orders would be passed in accordance with law.

6. Having regard to the assertions of the Deputy Collector in the brief note now placed before this Court and which is taken on record, the apprehension expressed by the petitioners that they may be dispossessed from the land without following the due process, no more survives.

7. Having regard to the same, the writ petition is disposed of holding that no further orders are required. It is needless to observe that as stated by the Deputy Collector in his brief note that he shall follow the due process of law before taking any adverse action against the petitioners and if the petitioners are in possession, their possession shall be continued till final decision is taken. The petitioners shall also not create any third party interest till final decision is taken in the matter. There shall be no order as to costs.

8. Miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

19th February, 2015
Rds

P.NAVEEN RAO,J