

HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

WRIT PETITION No. 37631 of 2012

ORDER:

Heard Sri J.Satya Prasad, learned counsel appearing for the petitioners, learned Government Pleader for official respondents 1 to 4 and Sri P.Srinivasa Rao, learned counsel appearing for the un-official respondents 5 to 9.

The present Writ Petition came to be filed seeking issuance of a writ of mandamus directing the official respondents to initiate action under Section 4 of the A.P. Assigned Lands POT Act, 1977 against unofficial respondents and restore the assigned lands to the petitioners/original assignees in respect of pattadar passbooks bearing Nos.1B-916, 1B-917, 1B-918, 1B-919 and 1B-920 of Chilakamarri village, Ananthasagaram Mandal, Nellore District.

Though the Writ Petition is filed seeking a direction to the official respondents to initiate action under Section 4 of the A.P. Assigned Lands POT Act, 1977 against unofficial respondents, the learned counsel for the petitioners restricts his prayer seeking a direction to the 2nd respondent to pass appropriate order on the representation dated 04.09.2012 at the earliest.

The learned counsel for the respondents submits

that para 6 of the counter shows that an enquiry was conducted with regard to the previous assignment of the subject land and during the course of enquiry the Village Revenue Officer has visited the subject land and spot verification was done. Basing upon the said inspection, a panchanama was prepared duly recording the statements of the neighboring land holders and the petitioners, who were signatories to the same report. According to him, the enquiry reveals that unofficial respondents are in possession and enjoyment of the assigned land as per 'D' Form pattas granted. It is his case that the assignment made in favour of the writ petitioners is illegal and irregular and made without proper verification of the relevant records.

Having regard to the request made by the learned counsel for the petitioners and without going into the merits of the case, the present Writ Petition is disposed of directing the 2nd respondent/District Collector, Nellore to consider the representation dated 04.09.2012 made by the petitioners and pass appropriate orders in accordance with law as early as possible preferably within a period of 12 (twelve) weeks from the date of receipt of copy of this order. It is needless to mention that the 2nd respondent shall give an opportunity to all the parties including the unofficial respondents before passing orders on the said representation.

With the above direction, the Writ Petition is

disposed of. No costs. As a sequel to it, miscellaneous petitions pending if any, in this Writ Petition shall stand disposed.

C. PRAVEEN KUMAR, J

Date:09.12.2015

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