

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NO.23686 OF 2004

DATED 21st APRIL, 2015

Between:

Yaratapalli Venugopal Reddy .. Petitioner

and

The District collector,

Nellore District and another .. Respondents

THE HON'BLE SRI JUSTICE SANJAY KUMAR

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WRIT PETITION NO.23686 OF 2004

ORDER

This writ petition was filed assailing the action of the revenue authorities in including the petitioner's land situated in Sy.No.486 of Kodurupadu Village, Hamlet of Gudipallipadu, Nellore Rural Mandal, Nellore District, in Telugu Velugu programme for distribution amongst the poorest of the poor belonging to SC, ST and BC communities.

By order dated 22.12.2004, this Court directed the revenue authorities not to disturb the peaceful possession and enjoyment of the petitioner over the subject land and not to include the same in Telugu Velugu programme or any other scheme. The said order was made absolute on 24.01.2011.

Perusal of the material on record demonstrates that the petitioner lays claim to the subject land on the basis of a registered sale transaction dating back to the year 1939. According to the revenue authorities, the subject land was assigned in the year 1936 and therefore the alienation thereof in the year 1939 would attract the provisions of the A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 (for brevity, 'the Act of 1977'). It is however the settled legal position that the condition of non-alienability attached to assignments only in the years 1954/1956 and no such prohibition as to alienation was applicable to assignments made before that date. In that view of the matter, the assumption of the revenue authorities that the so-called assignment made in 1936 would attract the provisions of the Act of 1977 is misconceived in its very inception.

It is also to be noticed that though the revenue authorities issued a show-cause notice to the petitioner under the Act of 1977 as long back as on 10.10.2004, no further steps were taken thereafter.

Thus, as the matters stand, the revenue authorities have no basis to interfere with the petitioner's enjoyment and possession over the subject land or take any other steps in respect thereof.

The writ petition is accordingly allowed. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

21st APRIL, 2015

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