

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 22399 of 2011

ORDER:

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With the consent of both the parties, the writ petition is disposed of at the admission stage itself.

The present writ petition is filed to declare the action of the fourth respondent in trying to create third party interest/altering the nature of land/issue house sites to third parties/journalists in respect of lands in Sy.No.96/21, 96/7, 96/5, 96/19, 96/12 and 97/2 of Chevireddypalli Village, Venkatagiri Mandal, Nellore District, pending appeal before Government of Andhra Pradesh Revenue (ASSN II) Department, as illegal, arbitrary and unconstitutional.

The averments in the writ petition are as under:

Land to an extent of Ac.4.05 gts., in Sy.Nos. 96/21, 96/7, 96/5, 96/19, 96/12 and 97/2 situated in Chevireddypalli village, Venkatagiri Mandal, is DKT land and in the year 1961 and 1962, government assigned the said land in favour of T.Chenchaiah, Challa China Subbaiah and Thamba Basamma. Believing the representation made, the petitioner purchased the said land from the above assignees on 08.12.1976, 27.12.1976 and 10.01.1977 and since then he is in possession and enjoyment of the said lands. It is stated that in the year 1996, the fourth respondent without considering Section 3 (5) of Andhra Pradesh Assigned Lands (Prohibition of Transfer) Act, 1977, passed an order for resumption of the said lands on the ground that the assignees violated the conditions of DKT patta and also the provisions of

Act 9 of 1977. Aggrieved by the same, the petitioner filed revision before the third respondent and the same was dismissed. As against the same, the petitioner preferred an appeal before the second respondent, who confirmed the orders of respondent Nos.3 and 4. Since the petitioner is having valid grounds and the authorities initiated action 35 years after the assignment, the petitioner preferred revision before the first respondent and the same is pending adjudication.

It is stated that the first respondent called upon the second respondent to send parawise remarks and connected records for taking further action. The second respondent called upon respondent Nos.3 and 4 to send the remarks to comply with the directions of the first respondent. While things stood thus, on 12.05.2011 some unknown persons are said to have gone to the said land and started taking measurements. When the petitioner questioned their authority, they are all alleged to have stated that they are journalists and the fourth respondent is alleged to have threatened him stating that she is going to grant house sites to the persons present there. Hence, the petitioner approached this Court by filing the present writ petition.

A counter came to be filed by the fourth respondent denying the averments made in the writ petition.

Though the present writ petition is filed claiming various reliefs, but the learned counsel for the petitioner restricts his prayer seeking a direction to dispose of the revision preferred by him at the earliest. A perusal of the averments in the counter would show that subsequent to filing of revision before the government, the first respondent issued Memo No.29059/Assn.II/2010 dated 31.08.2010 calling for remarks from

the District Collector in respect of the revision preferred by the petitioner. The remarks were also forwarded to the Government bringing the above facts to light.

In view of the above, the first respondent is advised to dispose of the revision preferred by the petitioner in accordance with law, if it is still pending, within a period of eight (08) weeks from the date of receipt of a copy of this order.

With the above direction, the writ petition is disposed of. No costs. Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

**JUSTICE C. PRAVEEN
KUMAR**

08.07.2015
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