

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 26300 of 2014

ORDER:

This writ petition is filed questioning the proceedings of the 2nd respondent-Revenue Divisional Officer, dated 24.08.2012. Through the impugned proceedings, the 2nd respondent directed the 3rd respondent-Tahsildar to take appropriate action for resumption of the lands in an extent of Ac.1-36 cents and Ac.2-74 cents in Survey Nos.191/1 and 191/4, respectively, situated in Asannagudem village, Lingapalem mandal, West Godavari district.

2. The summary and substance of the impugned proceedings is that the petitioner, who was assigned the lands in an extent of Ac.1-36 cents and Ac.2-74 cents in Survey Nos.191/1 and 191/4, respectively, in Asannagudem village, Lingapalem mandal, West Godavari district, is not residing in the village and is not cultivating the same, and the said lands are being cultivated by third parties; and in view of the alleged violation of provisions under the A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 (for short, 'the Act') and the Rules made thereunder, the 2nd respondent directed the 3rd respondent to take necessary steps for resumption of the said assigned lands. Pursuant thereto, the 3rd respondent issued Form-I Notice dated 12.09.2012 under the Act seeking explanation from the petitioner. The petitioner submitted his explanation on 23.10.2012, but no enquiry was conducted and no orders were passed thereon. It is averred in the writ affidavit that, in respect of the very same land of the petitioner in an extent of Ac.2-72 cents in Survey No.191/4, the 4th respondent has fraudulently obtained pattadar passbook in the year 2005; and to that effect, a complaint was also made before Lokayukta in Case No.384/2012/B2.

3. This Court, on 09.09.2014, while giving liberty to the 3rd respondent-Tahsildar to take into consideration the explanation submitted by the petitioner in response to the Form-I Notice dated 12.09.2012, directed the 3rd respondent not to physically dispossess the petitioner from the lands in an extent of Ac.1-36 cents and Ac.2-74 cents in Survey Nos.191/1 and 191/4, respectively, in Asannagudem village, Lingapalem mandal, West Godavari district.

4. Learned counsel for the petitioner assertively submits that though the petitioner submitted his explanation to the Form I Notice, no orders are passed by the 3rd respondent.

5. Learned counsel for the 4th respondent submits that the 4th respondent is in possession of the land in an extent of Ac.2-72 cents in Survey No.191/4. To buttress her argument, the counsel placed reliance on the copy of pattadar passbook said to have been issued on 19.08.2005.

6. Learned Government Pleader submits that it is only an enquiry pursuant to the direction of the 2nd respondent, and the 3rd respondent initiated necessary steps under the Act to enquire into the matter; but however, as on today, no orders have been passed and the petitioner has not been dispossessed. Learned Government Pleader further submits that as and when the orders are passed by the 3rd respondent, the petitioner can agitate his grievance by recourse to the statutory provisions under the Act.

7. Inasmuch as it is an admitted fact that the petitioner was the original assignee of the lands in an extent of Ac.1-36 cents and Ac.2-74 cents in Survey Nos.191/1 and 191/4, respectively, of Asannagudem village, Lingapalem mandal, West Godavari district, and in the light of the submissions of the respective parties, this Court is of the view that interests of justice would be served by disposing of

the writ petition with a direction to the 3rd respondent-Tahsildar to pass appropriate orders under the Act after giving due opportunity to the petitioner as well as the 4th respondent and after considering the explanation submitted by the petitioner in reply to the Form I Notice. Till such time appropriate orders are passed by the 3rd respondent as required under the Act and the Rules made thereunder, the petitioner shall not be dispossessed from the lands in question.

8. With the above direction, the writ petition is disposed of. No order as to costs.

Miscellaneous petitions, if any pending in this writ petition, shall stand closed.

CHALLA KODANDA RAM, J

20th January, 2015

KSM