

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 2948 OF 2012

ORDER:

-

Heard learned counsel for the petitioners, learned counsel for the fourth respondent and learned Government Pleader for Revenue. With the consent of both the parties, the Writ Petition is disposed of at the admission stage itself.

The present Writ Petition came to be filed seeking to declare the action of the third respondent in resorting to assign the petitioners' lands in Survey Nos.485/5, 485/1, 443/1, 484/2, 484/3, 484/4, 484/5, 439/1 and 370/2, situated at Battamdoddi Village, Peddapanjani Mandal, Chittoor District in favour of the third parties as illegal and arbitrary.

The facts in issue are as under:

The petitioners who claim themselves to be landless poor, occupied and developed Government waste lands situated at Battamdoddi Village, Peddapanjani Mandal, Chittoor District. It is stated that they were recognized as Sivoi Jamadars and their occupation was also assessed. Pursuant to a written request to grant DKT Pattas, the third respondent granted pattas on being satisfied that they are landless poor. The third respondent also mutated their names in all the revenue records apart from issuing pattadar pass books and title deeds as contemplated under A.P.Rights in Land and Pattadar Passbooks Act. It is stated that the petitioners also took loans and raised a mango garden in the said lands. While things stood thus, the petitioners received show cause notice dated 26.01.2010 from the third respondent stating that the

petitioners transferred the assigned lands in contraventions of the provisions of A.P.Assigned Lands (Prohibition of Transfers), 1977 (for short, 'the Act of 1977') and hence the petitioners were asked to show cause as to why the assignment should not be cancelled. A detailed explanation came to be submitted to the show cause notice stating that the allegations made therein are false and imaginary. On 02.08.2010, the third respondent passed an order cancelling the pattas. Challenging the action of the third respondent, the petitioners preferred four appeals viz. Rev.Appeal Nos.6570, 6571, 6572 and 6573 of 2010 before the Revenue Divisional Officer, Madanapalli, which are pending. The petitioners submitted a representation dated 08.06.2011, intimating about the pendency of the appeal and also requested them not to create third party interest, but to no avail. It is also stated by the learned counsel for the petitioners that the said appeals are pending consideration. An application for stay also came to be filed before the concerned authorities, but the same was rejected. Aggrieved thereby, the present Writ Petition came to be filed.

On 07.02.2012, this Court, while issuing notice before admission, granted *status quo* as on that day with regard to the possession of the land in question, for a period of four weeks from 07.02.2012.

Learned senior counsel appearing on behalf of the petitioners submits that even as on today, the petitioners are in possession of the property and no action is being taken to dispossess them.

Learned Government Pleader filed a counter opposing the averments made in the Writ Petition, except those which are specifically admitted therein. It is stated in the counter that the

petitioners have totally violated the conditions of patta as well as the provisions of Sections 3(1) and 3(2) of the Act of 1977 and as such they are not entitled for any relief. However, he did not dispute the fact of pendency of appeals before the Revenue Divisional Officer, even as on today.

Without going into the merits of the case and having regard to the circumstances stated above, the Writ Petition is disposed of directing the Revenue Divisional Officer, Madanapalle to dispose of the appeals bearing Rev.Appeal Nos.6570, 6571, 6572 and 6573 of 2010, within a period of eight (08) weeks from the date of receipt of a copy of this order, if the same are still pending. Till such time, the petitioners shall not be dispossessed, if they are still in possession, as on today. No costs.

Consequently, the Miscellaneous Petitions, if any, pending in this Writ Petition shall also stand closed.

JUSTICE C. PRAVEEN KUMAR

02.09.2015
vhb