

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.13781 of 2012

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ORDER:

This petition is filed for a writ of *Mandamus* declaring the action of the 2nd respondent in issuing letter No.B/108/2012, dated 07.03.2012, as illegal and arbitrary and to set aside the same and for a consequential direction to the respondents not to evict the petitioners from the land in Survey No.38/1, admeasuring Acres 5-00, situated at Manneguda Village, Pudur Mandal, Ranga Reddy District.

The case of the petitioners is that they have jointly purchased the agricultural land bearing Sy.No.38/1, admeasuring Ac.5.00, situated at Manneguda Village, Pudur Mandal, Rangareddy District, through a registered sale deed on 31.01.1997 from the original owners Mrs.Sayeeda Bee and also paid the entire sale consideration. It is also stated that the petitioners' vendor has got the pattadar pass book and other relevant records to show that the nature of the subject land is a patta land. After purchase of the property, the petitioners started running Spinning Mill surrounded by the compounded wall and developed the property by investing huge amounts. While so, the 2nd respondent issued notice under Section-3 of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 vide letter No.B/108/2012, dated 07.03.2012, stating that the nature of land is a 'loani patta'. Thereafter, the petitioners replied to the same. Even after submission of reply by the petitioners, the staff of the 2nd respondent came on 28.04.2012 to the subject land and started measuring and tried to take possession of the land without following due process of law. Aggrieved by the action of the respondents and challenging the notice dated 07.03.2012, present

writ petition is filed.

The respondents filed counter stating that Survey No.38 is having to an extent of Ac.6.11 guntas, and that it is classified as 'Kariz Kata' Sarkari land; that out of the said land an extent of Ac.1.11 guntas was allotted for Graveyard and the remaining land to an extent of Ac.5.00 was assigned to Sri Ahmed Khan (Original Laoni Pattedar) and implemented in the 'Faisal Patti' of 1968-1969; and that later the said land was mutated on his wife's name Smt.Sayeeda Bee to an extent of Ac.5.00 in Sy.No.38, situated at Manneguda (S), Village and she was issued Pattedar Pass Books and Title Deeds. It is also stated that since the Laoni Pattedar Smt.Sayeeda Bee sold the subject land in contravention of the provisions under Rule-3 of A.P.Assigned Lands (POT) Act, 1977, a show-cause notice was issued to the petitioners and that after considering the explanation submitted by the petitioners, resumption orders have been passed by the 2nd respondent on 10.04.2012 and possession was taken on 28.04.2012.

None appears for the petitioners.

Learned Assistant Government Pleader for Revenue submits that show cause notice was issued to the petitioners and that after considering the explanation submitted by the petitioners, only, the resumption orders have been passed.

In this case it is to be seen that though counter is filed stating that final orders dated 10.04.2012 were passed, no reply has been filed by the petitioners disputing the same. Even possession was taken by the respondents on 28.4.2012. When the orders of resumption have become final, it cannot be stated that the respondents are not entitled to take possession of the land.

Since the resumption orders dated 10.04.2012 have become final and possession has already been taken by the respondents, I do not see any merit in the writ petition.

Accordingly, the writ petition is dismissed. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any pending, in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

15.02.2016
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