

Writ Petition No. 16203 of 2016

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Date: 12.5.2016

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Between:

Mynampati Venkata Subbaiah,
Bhavanipuram,
Vijayawada,
Krishna District and others.

... Petitioners

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And

State of Andhra Pradesh,
Represented by its Principal Secretary,
Department of Revenue (Assignments),
Hyderabad and others.

... Respondents

Heard Mr. V.V.L.N. Sarma, learned counsel for the petitioners and learned Government Pleader for Assignments for the respondents.

Petitioners challenged the proceedings Rc.B.139/2016, dated 25.4.2016. For the purpose of appreciating the *prima facie* illegality pointed out by the counsel appearing for the petitioners, the following paragraph is excerpted.

“Perused entire records. It is a fact that the land in Revenue Ward No.1, Block 6, NTS No. 369/2 is an assigned land as was clearly mentioned in the RSR itself, assignee’s name being G. Venkata Swamy. However there is no mention whether the assignee was an ex-service man or not. Even though he was an ex-service man permission should be obtained from the District Collector for selling/alienating an assigned land irrespective of assignee being an ex-serviceman or freedom fighter or a political sufferer. The Government also upheld the same that such lands shall not be sold without obtaining NOC from the District Collector (G.O.Ms. No.307, Rev., dt. 6.6.2013.).”

Learned counsel appearing for the petitioners contends that the findings recorded by respondent No.4 suffer from contradictions and contrary to the orders issued by the Government from time to time. On the other hand, learned Government Pleader submits that the order impugned in the writ petition is an appealable order. Assuming a few contradictions are reflected in the impugned proceedings, the appellate authority is best suited to examine each and every one of the aspects complained in the writ petition and appropriate orders could be passed.

It is evident from the record that the petitioners are in settled possession of small extents of land. Though the order impugned in the writ petition can be assailed by filing an appeal, having regard to the particular fact situation of the case, I am of the view that if appropriate orders protecting the possession of the petitioners is not granted, till they pursue the remedy of appeal and obtain appropriate orders from the appellate authority, the petitioners will suffer irreparable loss and hardship. I am satisfied that the writ petition can be disposed of by this order:

The impugned proceedings dated 25.4.2016 is suspended for a period of twelve weeks from today. The petitioners are given liberty to file appeal within six weeks from today. The petitioners are also further given liberty to obtain appropriate orders from the appellate authority in the meantime.

The writ petition is ordered, as indicated above.

Consequently, pending miscellaneous applications shall also stand closed. No costs.

S.V.BHATT, J

Date: 12th May, 2016

Note:

Furnish c.c. in three days.

b/o

Pnb/jsu