

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.41455 OF 2016

ORDER:

Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue appearing for the respondents 1 to 4. With their consent, the present Writ Petition is disposed of at the admission stage.

2. Since this Court is not going into the merits of the case, it may not be necessary to issue notice to respondents 5 to 8.

3. The present Writ Petition came to be filed with the following prayer:

“...to issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the Endorsement issued by the 4th Respondent in Rc.No.408/2012 S.A., dt.22.06.2016 as illegal, arbitrary, violation of principles of nature justice, contrary to the provisions of Section 4 of A.P. Assigned Lands (POT) Act, 1977 and the Rules framed there under apart from violation of Article 21 and 300-A of the Constitution of India and consequently set aside the endorsement dt.22.06.2016 issued by the 4th respondent pertaining to the petitioners lands.”

4. The averments in the affidavit filed in support of the writ petition would show that the 1st petitioner purchased the lands to an extent of Ac.1.63 cents, Ac.3.96 cents and Ac.5.89 cents in Sy.Nos. 54-1, 56/1 and 54/2 respectively through registered sale deeds. The 2nd petitioner purchased lands to an extent of Ac.5.90 cents, in Sy.No.55-1 from his vendors and he also purchased lands to an extent

of Ac.1.63 cents and Ac.5.89 cents in Sy.Nos.54-1 situated at Gadabavalasa Village, Girividi Mandal from the 1st petitioner through registered sale deeds. The 3rd petitioner purchased lands to an extents of Ac.0.48 cents, Ac.0.30 cents, Ac.0.20 cents, Ac.0.10 cents, Ac.0.18 cents, Ac.0.18 cents, Ac.0.31 cents, Ac.0.31 cents, A.0.30 cents, Ac.0.34 cents, Ac.0.37 cents, Ac.0.21 cents, Ac.0.06 cents in Sy.Nos.52-2, 52-7, 52-8 and 52-11, 52-0, 52-10, 52-13, 52-14, 53-3, 53-8, 53-15, 53-21 and 53-22 through registered sale deeds. Petitioners were also been issued with pattadar pass books and title deeds. It is stated that the 4th respondent issued proceedings dated 24.03.2016 resuming the lands in Sy.Nos.52 to 56 of Gadabavalasa Village under Section 4 of the POT Act, 1977. Similarly, the 4th respondent issued notice dated 05.05.2016 under Rule 3 of the A.P. Assigned Lands (Prohibition of Transfers) Rules, 2007 to the 2nd petitioner directing her to show cause as to why she should not be evicted from the lands owned by her in Sy.Nos.54-1, 54-2 and 55-1 in Galabavalasa Village. In the same way, the 4th respondent also issued notice dated 05.05.2016 under Rule-3 of the A.P. Assigned Lands (POT) Rules, 2007 to the 3rd petitioner directing him to show cause as to why he should not evicted from the lands in Sy.Nos.52-2, 52-8, 52-11, 53-, 52-9, 53-8, 53-21, 53-15, 52-10, 52-13, 52-14, 53-7, 53-10, 53-16 and 53-22 in Gadabavalasa Village. Challenging the said proceedings, petitioners filed appeals before the 3rd respondent on 21.06.2016 and also submitted detailed representations dated 25.05.2016 before the 4th respondent. While things stood thus, the 4th respondent along with his officials are alleged to have entered into the

lands of the petitioners on 27.10.2016, demanded them to immediately vacate the lands, failing which, they threatened to initiate coercive action against them. Aggrieved thereby, the present writ petition came to be filed.

5. Though various grounds are raised in the writ petition, learned counsel for the petitioners restricts his prayer seeking a direction to the 4th respondent not to dispossess the petitioners from the property in dispute till the disposal of the appeals preferred by them before the 3rd respondent.

6. Learned Government Pleader for Revenue opposed the same.

7. Having regard to the circumstances of the case and the pendency of appeals before the 3rd respondent, the Writ Petition is disposed of directing the petitioners to make an application in the appeals preferred by them before the 3rd respondent seeking interim relief within a period of ten (10) days from today, in which event, the same shall be dealt with, in accordance with law, as early as possible preferably within a period of two (02) weeks thereafter. Till such time, *status quo* as on today with regard to possession shall be maintained.

Consequently, Miscellaneous Petitions, if any, pending in this writ petition shall stand closed. No order as to costs.

JUSTICE C. PRAVEEN KUMAR

Date:30.11.2016
INL