

THE HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 35384 of 2016

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader for Revenue. With the consent of both the parties, the writ petition is disposed of at the admission stage.

2. The present writ petition is filed seeking issuance of writ of Mandamus declaring the action of respondent No.2 in conducting enquiry under Section 4 of A.P.Assigned Lands (Prohibition of Transfer) Act, 1977 as amended by Act 8 of 2007, as illegal and arbitrary.

3. A perusal of the averments in the report would show that the petitioner along with her sisters filed a petition before the second respondent to restore possession of land under Section 4 of A.P.Assigned Lands (Prohibition of Transfer) Act, 1977 as amended by Act 8 of 2007. It is stated that the second respondent being influenced by the husband of the third respondent did not entertain the petition filed by the petitioner and others, inspite of repeated oral and written requests. The said inaction of the second respondent lead to filing of the present writ petition.

4. The relief sought by the learned counsel for the petitioner is that a direction may be issued to the second respondent to dispose of the application made under Section 4 of A.P.Assigned Lands (Prohibition of Transfer) Act, in accordance with law.

5. Though learned Government Pleader for Assignment submits that a civil suit has been filed by the petitioner but the petitioner herself contends that such a suit is against the provisions of the A.P.Assigned Lands (Prohibition of Transfer) Act.

6. Having regard to the above, the writ petition is disposed of directing the second respondent-Tahsildar to dispose of the application filed by the petitioner under Section 4 of the A.P.Assigned Lands (PoT) Act, as early as possible, preferably within a period of two months from the date of receipt of a copy of the order, in accordance with law. It is needless to mention that the second respondent shall hear the petitioner and also the aggrieved persons, if any.

7. Miscellaneous petitions, pending if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE C. PRAVEEN KUMAR

25.10.2016,
vhb