

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION.No.24282 of 2016

ORDER:

Petitioner questions the endorsement dated 13.05.2016 made by the third respondent refusing to consider the application made under Section 5 of the A.P. Rights in Land and Pattadar Passbooks Act, 1971 for issuance of pattadar pass book in his name on the demise of his wife as illegal and arbitrary.

2. As can be seen from the endorsement, refusal has been made on two grounds viz. firstly that the petitioner has not produced the original pattadar pass book and secondly that the petitioner is not in possession of the subject land. It is the case of the petitioner that his wife was assigned with the subject land and the land being an assigned land, there is prohibition for alienation of the said land. However, the petitioner's wife had alienated the same in favour of one Maddula Lakshma Reddy S/o. Yella Reddy.

3. Learned counsel for petitioner submits that there is prohibition of alienation and hence, the alienation in favour of Maddula Lakshma Reddy itself is invalid. In view of the same, the respondents ought to have processed the application made by the petitioner.

4. Having considered the submissions made by the petitioner, even assuming that the alienation made by the petitioner's wife in favour of Maddula Lakshma Reddy S/o. Yella Reddy is invalid, the initial action could have been taken under the Telangana Assigned Lands (Prohibition of Transfer) Act, 1977 (for short 'the Act') and it is only after enquiry, if the purchase of Maddula Lakshma Reddy S/o. Yella Reddy is hit by the provisions of the Act, the restoration of patta in favour of petitioner's wife is required to be made. It is only thereafter, the question of consideration of application of petitioner arises.

5. In those circumstances, *prima facie*, there being no infirmity in the impugned endorsement, the writ petition cannot be maintained. However, it is made clear that petitioner shall be at liberty to approach the concerned authority invoking the provisions of the Act with respect to alleged alienation made by petitioner's wife in favour of Maddula Lakshma Reddy S/o. Yella Reddy. Subject to orders that may be passed under the said Act, petitioner is at liberty to approach the concerned authority thereafter.

The writ petition is closed. As a sequel, the miscellaneous applications, if any pending, shall stand closed. There shall be no order as to costs.

CHALLA KODANDA RAM, J

August 2, 2016
DSK