

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.19969 of 2012

ORDER:

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Heard Sri V.R.Reddy Kovvuri, for petitioners, Assistant Government Pleader for Assignment for respondents 1 to 3 and Ms.Jayanathi counsel for respondents 4 and 5.

The petitioners pray for Writ of Mandamus declaring the action of respondents in interfering with petitioners right and possession in an extent of Ac.4-60 cents in Sy.No.60/1 of Kopparthi Village fields, C.K.Dinne Mandal, Y.S.R.District, under the guise that possession is already taken for development of Industrial Estate, as illegal and unconstitutional.

The averments in brief are that the petitioners have purchased the petition land through sale deed dated 31-05-1996 from Chinna Pullamma W/o. Chinna Subanna and Venkata Subamma W/o.Ramanna Obul Reddy. The vendors of petitioners in turn have purchased the petition land through sale deed dated 30-11-1981 from one Sri Adinarayana S/o.Mammilla Ramaiah. According to petitioners, the petition land is the property of petitioners and their vendors and the respondents cannot and could not without recourse to law affect the rights of petitioners or dispossess the petitioners from petition land.

The 3rd respondent filed counter affidavit and denying the exclusive right and title of petitioners, places on record proceedings No.B/180/2007, dated 01-06-2007 to contend that the 3rd respondent has taken possession of petition land under

A.P.Assigned Lands (Prohibition of Transfers) Act, 1977. According to 3rd respondent, the procedure as required under the said Act was followed and possession is also taken from the petitioners.

Sri V.R.Reddy Kovvuri stoutly contends that the proceedings relied upon by 3rd respondent are behind the back of petitioners and according to him, the petition land is not assigned land and was not assigned by the Government in favour of Sri Adinarayana. Since notice was not issued to petitioners, the case of petitioners could not be placed before 3rd respondent.

On the other hand, the Assistant Government Pleader for Assignment contends that once an order was passed on 01-06-2007, the petitioners have to work out the remedy by filing appeal before 2nd respondent. The challenge available in appeal, if filed, cannot and could not be canvassed when the prayer of the petitioners is very general.

I have perused the proceedings, dated 01-06-2007. To meet the ends of justice, I am satisfied that the writ petition can be disposed of by this order.

The petitioners are given liberty to file appeal within thirty days from the date of receipt of a copy of this order and seek condonation of delay before 2nd respondent. If the appeal is filed as directed above, the 2nd respondent is further directed to consider and condone the delay to meet the ends of justice, hear the appeal on merits and dispose of the same. All the grounds

available to petitioners are left open for consideration by 2nd respondent.

The writ petition is accordingly disposed of. No order as to costs.

Miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

S. V. BHATT, J

Dt: 19-07-2016
Prv

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Prv