

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.45521 of 2016

ORDER:

This writ petition under Article 226 of Constitution of India is filed seeking to issue a writ of mandamus declaring the action of 2nd respondent in initiating L.T.R. Case No.27/2016/ENK, dated 04.05.2016 pertaining to land to an extent of Ac.4.00 gts., in Sy.No.119/A to an extent of Ac.1.05 and Sy.No.119/AA an extent of Ac.2.35 gts., at Jannaram Village, Enkoor Mandal, Khammam District against the petitioners 1 & 2 as illegal and in violation of Sections 3(2)(a) and 4 of the A.P.Schedule Area Land Transfer Regulation 1 of 1959 and 1 of 1970 and consequently, set aside the same.

The main case of the petitioners is that the 2nd respondent is not having jurisdiction to issue notice dated 04.05.2016 since the land in question does not fall within the tribal area. Now, it is informed by the learned Assistant Government Pleader for Social Welfare (Andhra Pradesh) that the Jannaram Village, wherein the subject-land is situated comes within the jurisdiction of tribal area. Furthermore the impugned proceedings dated 04.05.2016 issued to the petitioners is only in the form notice requiring the petitioners to establish their right and title over the said property and hence, no further action would be taken in case, the petitioners produce the relevant documents substantiating their rights.

Considering the facts and circumstances of the case, the petitioners are directed to produce all the relevant documents before the 2nd respondent to establish their right and title over the subject-land and the 2nd respondent is directed to consider the same and pass appropriate orders. Further if the petitioners are aggrieved over the orders that may

be passed by the 2nd respondent, they are at liberty to challenge the same before the appropriate forum.

Accordingly, the Writ Petition is disposed of. No costs.

Pending Miscellaneous Petitions, if any, shall stand closed.

28.12.2016.
Tsr

RAJA ELANGO,J



