

THE HON'BLE SRI JUSTICE
A.RAJASHEKHER REDDY
WRIT PETITION No. 38760 of 2012

ORDER:

Heard learned counsel for the petitioner and learned counsel for the respondents.

2. The case of the petitioner is that his father purchased land from the third respondent for valid consideration vide document P.No.249 of 2006 dated 15.06.2006. As the document is pending registration, the third respondent filed W.P.No.12681 of 2012 before this Court. The said writ petition was disposed of by this Court by order dated 13.06.2012 and as per the directions therein the Sub-Registrar, Anantapur released the document in favour of the third respondent.

As the father of the petitioner died leaving behind the mother of the petitioner, his brother, and himself, family members certificate was also issued by the Mandal Revenue Officer, Anantapur. The vendor of the petitioner's father, who is respondent No.3 herein, filed appeal before the first respondent for resumption of land in favour of Marakam Ramappa in D.A.R. Dis. No.253/71 dated 15.10.1961 and the said land was resumed to the Government and reassigned to G.L.N.Swamy on 17.03.1983. Against the said resumption and reassignment order, appeal was filed by the third respondent before the first respondent and the same was allowed by setting aside the assignment

made in favour of G.L.N.Swamy. While the matter stood thus, at the instance of the third respondent, the second respondent came to the petitioner's land on 03.12.2012 and trying to dispossess him from the land as the said land was purchased by his father from the third respondent. Questioning the same, the present writ petition is filed.

3. Counter affidavit is filed by the second respondent stating that the land in Survey No.125-4 to an extent of Ac.5-25 cents of Kurgunta Village of Ananthapuramu Mandal is classified as Government Land (AW) and assigned in faovur of Marakam Ramappa S/o.Papanna vide DAR.Dis.No.253/1371 dated 15.10.1961. Marakam Ramappa has got one adopted son by name M.Papi Reddy who is the husband of the third respondent. After the death of original assignee Ramappa and his adopted son Papi Reddy, the above property devolved to the respondent No.3 being daughter in law. The then Mandal Revenue Officer, Ananthapuram, reassigned the said land to one G.L.N.Swamy, Ex-servicemen vide DAR Dis.No.78/1402 dated 17.03.1993. Aggrieved by the action of Mandal Revenue Officer, the third respondent preferred an appeal before the Revenue Divisional Officer.

The Revenue Divisional Officer set aside the assignment made in favour of G.L.N.Swamy. However, the said G.L.N.Swamy did not prefer any revision. The possession of the land was restored to the legal heir of the original Assignee. Further, the third respondent has sold away the land to K.Pedda Uttanna, who is the

father of the petitioner under pending registration. The third respondent filed W.P.No.12681 of 2012 seeking to release the document pending registration. The said writ petition was disposed of directing the Sub-Registrar to release the document in faovur of the petitioner without insisting on submission of no objection certificates. The Sub-Registrar has released the document No.8426/2012 dated 15.06.2012. It is further submitted that the Revenue authorities have never tried to dispossess the writ petitioner from the land in question. The petitioner acted contrary to the provisions of Section 3(1) & 3(2) of the Act and any transfer or acquisition made in contravention of the provisions of Sub-Section (1) or Sub-section (2) shall be deemed to be null and void. Hence, the petitioner has no right over the said land. No reply affidavit is filed controverting the same.

4. It is evident from the above that the respondents never tried to dispossess the petitioner. However, since it is alleged that there is violation of the Act, it is open for the competent authority to take appropriate action after issuing notice to the affected parties, if any.

The Writ Petition is, accordingly, disposed of. Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE A.RAJASHEKHAR REDDY

March 14, 2016

LMV