

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.24821 of 2007

ORDER:

This writ petition was filed challenging the initiation of proceedings under the Andhra Pradesh Scheduled Areas Land Transfer Regulation, 1959 in respect of the land to an extent of Ac.11.61 cents in R.S. No.101 of Mettagudem Village, West Godavari District.

It is the case of petitioner that the Mettagudem Village was a part of Guttala Zamin Estate. The father-in-law of petitioner purchased a vast extent of land and the petitioner filed a claim petition in S.R. No.1771 of 1976 before the Settlement Officer, Eluru, seeking grant of ryotwari pattas under the provisions of the A.P.Estates (Abolition and Conversion into Ryotwari) Act, 1948 under Regulation 2 of 1970 in respect of the land admeasuring Ac.4.80 cents situated in Survey No.101/1 and the said claim petition was rejected. Aggrieved of the same, the petitioner preferred an appeal in A.P. No.117/77 (02) and the same was allowed on 02.09.1997 by setting aside the proceedings of the Settlement Officer, Eluru and ryotwari pattas were granted in her favour. On 05.11.2007, the respondent issued a notice to the petitioner to appear before him on 08.11.2007 in respect of the subject land and the petitioner made her appearance on 08.11.2007 and explained the factual position by submitting documentary evidence. It is alleged that the respondent issued the said notice at the behest of third parties. The petitioner further stated that she submitted a representation to the respondent on 04.05.2007 along with documentary evidence. Without considering the same, the respondent issued the notice dated 05.11.2007.

Learned counsel for the petitioner submits that the petitioner

filed a detailed explanation to the notice issued by the respondent on 11.11.2007 and in spite of the same the respondent is going ahead with the enquiry.

It is needless to observe that if the proceedings are validly initiated by the respondent and the petitioner filed her objections, it is for the respondent to consider the objections filed by the petitioner and pass appropriate orders in accordance with law after giving due opportunity to the petitioner. This Court cannot enquire into the title or affect of earlier orders passed in favour of the petitioner.

In the circumstances, this Writ Petition is disposed of directing the respondent to consider the explanation/objections submitted by the petitioner on 11.11.2007, and pass appropriate orders in accordance with law within a period of three (3) months from the date of receipt of a copy of this order. No order as to costs.

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

A.RAMALINGESWARA RAO, J

26.02.2016

MVA