

HON'BLE SRI JUSTICE S.V. BHATT

Writ Petition No.16022 of 2012

ORDER:

Heard Mr. K.Ramesh Babu, learned counsel for the petitioners and the learned Assistant Government Pleader for Revenue (AP) for the respondents.

2. The petitioners pray for mandamus declaring the action of 3rd respondent in issuing notice dated 26.04.2012, as illegal, arbitrary and contrary to A.P. Assigned Lands (Prohibition of Transfers) Rules, 1977.

3. On 30.05.2012, this court passed the following interim order:

“Learned Govt. Pleader for Revenue takes notice and seeks time to file counter.

There shall be status quo existing as on this day with regard to possession of the lands in question.

Post on 29.06.2012.”

3. The 3rd respondent filed counter-affidavit and on the notice impugned, following reply is given:

“It is respectfully submitted that the contention of the writ petitioners is not true that notices have been issued at the instance of local political leaders influence and the action initiated by the 3rd respondent is purely administrative and thus the attributions of the writ petitioners against the 3rd respondent are baseless. The local enquiry revealed that the lands in question were held by the non assignees under the guise of the lease. In pursuance of the enquiry, the Tahsildar, pedapadu-3rd respondent herein the show cause notices to the writ petitioners herein under the provisions of the A.P. Assigned Lands (Prohibition of Transfers) act, Rules 1977 as the non beneficiaries of the Assignment are enjoying the lands and provided an opportunity to file their objections, if any. In spite of the receipt of the notices, the writ petitioners are silent and reluctant to file their objections put forth them in the writ petition only. As the writ petitioners failed file any objection, basing on the records, the Tahsildar, Pedapadu ordered to resume the land on 19.05.2012 and handed over it to the Village Revenue Officer, Satyavolu under the cover of panchanama dated 31.05.2012.

Suppressing the material facts of the land taken possession by the revenue department, the writ petitioners filed this writ petition questioning the power of the 3rd respondent and prayed the Hon'ble High Court of A.P. Hyderabad to set aside the show cause notices. Since, the land possession already taken by the revenue department the petitioners' contention is post action and not binding on the respondents herein and automatically infructuous. The act of the writ petitioners results in the defeat of the provisions of the land ceiling; assignment laws. The contentions of the writ petitioners in the sub clauses of I to vi are not maintainable as per the facts mentioned supra."

4. Learned counsel appearing for the petitioners having regard to the stand taken in para 4 of the counter-affidavit, requests the court to permit the petitioners to avail remedy of appeal against the endorsement dated 19.05.2012. The liberty as prayed for is granted.

5. The writ petition is, accordingly, disposed of by this order as follows:

- 1. The petitioners are given liberty to file appeal before the Appellate Authority, within four weeks from the date of receipt of a copy of this order;
- 2. If the appeal is filed before the Appellate Authority, the same is directed to be numbered without reference to the delay in filing the appeal, consider the appeal on merits and dispose of the appeal, within three months

No order as to costs. Pending miscellaneous petitions if any in this writ petition shall stand dismissed in consequence.

S.V.BHATT, J

Date: 20.07.2016
BSS

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