

THE HON'BLE SRI JUSTICE M.SEETHARAMA MURTI

Writ Petition No.10875 of 2010

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking the following relief/s:

'.....to issue a writ order or direction more particularly in the nature of writ of Mandamus or any Appropriate Writ by declaring the action of the First and Second Respondents in making attempts to conduct an Auction of the Agricultural lands of the Second Respondent i.e. an extent of AC.5.00 of the First Petitioner, an extent of Ac.4.00, of the Second Petitioner, an extent of 3.76 cents of the Third Petitioner respectively, in Sy.No.322/1, 322/3 of Dharanikota village, Amaravathi Mandal, Guntur district, of which the Petitioners were cultivating the lands Since 1973-74, and making attempts to dispossess the Petitioners, in spite of the standing crop on the land, and making attempts to conduct Auction of the lease hold rights on 12.05.2010, with out any Opportunity and with out any notice to the Petitioners, is illegal, unjust and violate of Article 14, 21 of the Constitution of India, and against the principles of natural Justice and to pass such other order.....'

[Reproduced verbatim]

2. I have heard the submissions of the learned counsel for the petitioners and the learned Standing Counsel appearing for the 2nd respondent. I have perused the material record.

3. A perusal of the material papers filed along with the counter affidavit of the 2nd respondent, particularly, the proceedings dated 22.07.2003 in Rc.No.A5/6092/2003 would make it manifest that the claim of the 1st petitioner/applicant for determination of his status as landless poor person has already been rejected and that he had acknowledged on the same while receiving a copy on 19.01.2006. The contention of the 2nd respondent is that the said order of rejection has become final as no appeal has been preferred to the Regional Joint Commissioner and that none of the petitioners are landless poor persons. In view of the said

proceedings, the learned counsel for the petitioners would submit that according to the instructions received by him, the said rejection order is not served on any of the writ petitioners and that, therefore, the writ petitioners may be given liberty to challenge the said rejection order while disposing of the writ petition.

The learned Standing Counsel appearing for the 2nd respondent would submit that the 2nd respondent has no objection for the petitioners seeking such a relief.

Recording the submissions, the Writ Petition is disposed of giving liberty to the petitioners to challenge the aforementioned rejection order dated 22.07.2003 passed by the Assistant Commissioner in accordance with the procedure established by law and also seek appropriate reliefs, which the law permits. No costs.

Miscellaneous petitions, pending if any, in the writ petition shall stand closed.

M. SEETHARAMA MURTI, J

04.01.2016

Vjl