

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE
AND
THE HON'BLE SRI JUSTICE S.V. BHATT

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Writ Appeal No. 1080 of 2015

Date:6.1.2016

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Between:

Karra Sridhar,
West Godavari District.

Appellant

And

Jonnakuti Venkateswara Rao,
Jangareddygudem,
West Godavari district and others.

... Respondents

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PC:(Per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)

This writ appeal is directed against order dated 7.9.2015 disposing of Writ Petition No. 29811 of 2011 filed by the 1st respondent. In the writ petition, the 1st respondent sought writ of mandamus declaring the action of the respondents in not conducting enquiry into irregular assignment of ceiling surplus lands in R.S. No.366/2B2 of Jangareddygudem Village and Mandal of West Godavari District under the A.P. Land Reforms (Ceiling on Agricultural Holdings) Act and the alienation of assigned land contrary to the provisions of A.P. Assigned Lands (Prohibition of Transfers) Act as arbitrary and illegal.

The learned Single Judge disposed of the writ petition directing the 4th respondent-Revenue Divisional Officer to dispose of the representation of the 1st respondent dated 5.9.2011 in accordance with law within time frame. Hence appeal.

We have heard learned counsel for the parties and perused the provisions of Section 14 of the Andhra Pradesh Land Reforms (Ceiling on Agricultural Holdings) Act, 1973, to which, our attention was specifically drawn. On the basis of sub-section (5) of Section 14, it was submitted that the Revenue Divisional Officer is empowered to declare alienation of assigned (Ceiling Surplus) land or violation of the conditions specified in Sub-Section (4) of Section 14, as null and void and further

pass the consequential orders. Since no application for declaring the transaction null and void was made by the 1st respondent, we made certain suggestions to learned counsel for the parties and they have fairly agreed for the order that we propose to pass. Hence, we dispose of this appeal by the following consent order:

“The 1st respondent is at liberty to make an application as contemplated under Sub-section (5) of Section 14 seeking declaration that the transaction stated in Writ Petition is null and void, within a period of two weeks from today. If any such application is made, it is needless to mention that the concerned Revenue Divisional Officer shall follow the due procedure and decide the said application on merits, in accordance with law. Further, it is needless to mention that the Revenue Divisional Officer shall grant an opportunity of being heard to all concerned, in particular, the appellant. It is open to the appellant to file reply to the application and place all relevant material, in support of his contention, for consideration of the Revenue Divisional Officer. The Revenue Divisional Officer shall decide the application, as expeditiously as possible, and preferably, within a period of twelve weeks from the date of receipt of the application. All contentions of the parties on merits are kept open. It is made clear that this Court has not expressed any opinion on merits of the case. In view of this order, the order passed by the learned Single Judge renders ineffective.”

Consequently, pending miscellaneous applications shall also stand closed.

DILIP B. BHOSALE, ACJ

S.V. BHATT, J

6th January, 2016

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