

HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SRI JUSTICE A.SHANKAR NARAYANA

WRIT APPEAL No. 1093 OF 2016

ORDER *(Per the Hon'ble the Acting Chief Justice Sri Ramesh Ranganathan)*

The appellant herein is the fifth respondent in the writ petition. The writ petition was filed, by the fifth respondent in this appeal, to declare the action of the respondents, in not considering his request for restoration of possession of the assigned property of an extent of Ac.2.74 cents in Survey No.77/3 of Neellarevu Village, Katrenikona Mandal, East Godavari District, after evicting the fifth respondent (appellant herein), as arbitrary and illegal.

At the admission stage itself, the learned Assistant Government Pleader for Revenue produced written instructions dated 05.07.2016 stating that the subject property was allotted to the writ petitioner who had alienated it, to the wife of the appellant herein, violating the provisions of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977; Form I was issued to the original assignee and Form II was issued to the transferee; and action has been initiated for restoration of the schedule land to the writ petitioner after following the procedure. Recording the same, the writ petition was disposed of with a direction to complete the said exercise within a period of six weeks from the date of receipt of a copy of that order.

Sri J. Prabhakar, learned counsel for the appellant, would submit that the order under appeal was passed even without notice to the appellant, though he was arrayed as the fifth respondent in the writ petition; the said order is being construed by the Revenue Officials as if this Court had upheld the contention, of the writ petitioner, that the

appellant herein should be evicted; while the wife of the appellant has no doubt been issued Form II, she is entitled to put forth her objections to the claim of the writ petitioner; and the rival submissions are required to be examined and considered by the fourth respondent before any further action is taken on the basis of the application filed by the fifth respondent – writ petitioner.

It is evident, from the order under appeal, that the submissions made on behalf of the Revenue by the learned Assistant Government Pleader was recorded, and the officials were directed to take action within the specified time frame of six weeks from the date of receipt of a copy of that order. The rival claims could neither have been, nor were they, examined in the writ petition.

While we see no reason to interfere with the order under appeal, it would suffice to make it clear that the fourth respondent is required to take action after considering the rival claims, of the fifth respondent - writ petitioner and the appellant's wife, on its merits and in accordance with law.

The writ appeal stands disposed of accordingly. The miscellaneous petitions pending, if any, shall stand dismissed. There shall be no order as to costs.

RAMESH RANGANATHAN, ACJ

A.SHANKAR NARAYANA, J

Date: 20.10.2016
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