

HONOURABLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 24151 OF 2016

ORDER:

Heard learned counsel for the petitioner and learned Government Pleader.

2. The case of the petitioner is that petitioner being a house less poor was granted assignment of a house site patta in an extent of

Ac.0-03 cents covered by Survey No.84/1A and 85/1 & 2 of Maruproluvaripalem Village of Bapatla Mandal in Guntur District vide proceedings dated 12.09.1980 after following due procedure under the provisions of the Andhra Pradesh Board of Revenue Standing Orders 15 and 21 with a condition of non-alienation. While so, the fourth respondent took advantage of the petitioner's poverty stricken life and induced the petitioner to sign on blank papers and stamped papers as security by advancing a paltry sum of money. It is further stated that though the petitioner has repaid to the fourth respondent, he filed a frivolous suit in O.S.No.178 of 2002 on the file of the Court of

I Additional Junior Civil Judge, Bapatla for specific performance and the same was decreed. Thereafter, a sale deed was obtained in fraudulent manner by the fourth respondent intentionally suppressing the fact that the property was assigned in his favour in the year 1980. The said sale deed was obtained by the fourth respondent in violation of the provisions of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977. Thereby, the petitioner submitted a representation dated 24.04.2016 to the third respondent requesting to cause enquiry into the matter and take appropriate action for restoration of possession in his favour by initiating necessary action under the provisions of the Act. Alleging

inaction on the part of the respondents in considering the representation of the petitioner,
the present writ petition is filed.

3. As can be seen from the patta document, which has been placed on record, and a close reading of the same leaves no manner of doubt in terms of Clause 9 of the patta granted in favour of the petitioner on 12.09.1980. The prohibition of the petitioner transferring or selling the land is only for ten years from the date of grant. In another words by 12.09.1990 the restriction, which was placed on the petitioner, no longer exists. Further, the petitioner can as well raise the said ground of non-transferability of land on account of the prohibition in the suit filed by the fourth respondent. The suit filed by the fourth respondent is decreed and the sale deed itself was executed through Court. I see no merit in this writ petition and it does not deserve any consideration.

Accordingly, the Writ Petition is dismissed. As a sequel, the miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

JUSTICE CHALLA KODANDA RAM

August 1, 2016
LMV