

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.40615 OF 2016

ORDER:

Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue appearing for the respondents. With their consent, the present writ petition is disposed of at the admission stage.

2. The present writ petition came to be filed with the following prayer:

“to issue an order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondent Nos.1, 3 to 5 in including the land an extent of Ac.8.27 cents (i.e., Ac.4.14 cents each) in Sy.No:64 of Chinnahulthi village, Pattikonda Mandal, Kurnool District under the prohibited category as if it is a government land and consequential notice in Rc.A-598/2016, dated 17.09.2016 issued by the 5<sup>th</sup> respondent is illegal, arbitrary without power, authority and jurisdiction apart from violative of Article 19(1)(g) and Article 300 of the Constitution of India and set aside the same and consequently a) direct the respondents to delete the said land from the prohibited property list b) to direct the respondent Nos.1, 3 to 5 not to interfere with the possession and enjoyment of the petitioners in respect of the above mentioned lands.”

3. A perusal of the affidavit filed in support of the writ petition would show that the Tahsildar – R.5 issued a notice dated 17.09.2016 calling upon the petitioners to explain why the petitioners should not be evicted from the lands in question. Immediately thereafter, the petitioners claim to have submitted an

explanation on 13.10.2016 to the said notice. It is the case of the petitioners that though no orders are passed on the reply given by them, the respondent authorities are trying to take steps to evict the petitioners.

4. Though various grounds are raised in the writ petition, learned counsel for the petitioners submit that the petitioners are taking steps to file representation before the appropriate authority to get delete the lands in dispute from the prohibited list, hence he seeks a direction to the concerned authority to consider the same at the earliest.

5. Learned Government Pleader submits that if a representation is made to the District Collector seeking deletion of lands from the propitiatory list, a direction may be given to him to pass appropriate orders, in accordance with law.

6. Having regard to the submissions made, the Writ Petition is disposed of directing the petitioners to make a representation before the District Collector, Kurnool District (R.3) within a week from today seeking deletion of land admeasuring Ac.8.27 cents (i.e., Ac.4.14 cents each) in Sy.No.64 of Chinnahulthi village, Pattikonda Mandal, Kurnool District from the prohibitory list, in which event, the District Collector – R.3 shall pass appropriate orders thereon, in accordance with law, within a period of eight (08) weeks thereafter, after hearing the petitioners and the aggrieved persons if any. Further the Tahsildar, Pattikonda Mandal – R.5 shall also consider

the explanation submitted by the petitioners to the notice dated 17.09.2016 within a period of eight (08) weeks from today. Till such time, respondents shall not interfere with the possession of the petitioners over the land mentioned above, if they are in possession.

Consequently, Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed. There shall be no order as to costs.

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JUSTICE C. PRAVEEN KUMAR

Date:23.11.2016  
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