

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.29982 OF 2016

ORDER:

The case of the petitioners is that they were assigned lands along with 13 others to an extent of 13.40 cents in Survey No.37/1B, situated at Thirunampalem Village, Dwaraka Tirumala Mandal, West Godavari District out of the land admeasuring Ac.16.44 cents surrendered by one Sri Devarapalli Veera Naga Hanumantha Pulleswara Rao in LCC.no.3856/ELR/75 towards his excess holding in the year 1973. While so, when the said Hanumantha Rao succeeded the land to an extent of Ac.7.80 cents in the appeal filed by him before the Land Reforms Tribunal, apprehending that the patta of the petitioners will be disturbed filed WP.No.19624 of 2008 and the same was disposed of 24.09.2012 giving liberty to the petitioners to make an application to the Revenue Divisional Officer for allotment of alternative land and that in the event of such application the Revenue Divisional Officer has to consider the same and pass appropriate orders. Status Quo granted in the said writ petition is also vacated. In pursuance of the said order the Revenue Divisional Officer-3rd respondent passed order dated 20.12.2012 which is being challenged in the present writ petition.

Learned counsel for the petitioners submits that since the declarant succeeded Ac.7.80 cents in the appeal, except Ac.7.80 cents which is to be handed over to the legal heirs of the declarant, petitioners' possession over the remaining land cannot be disturbed. But, the 3rd respondent passed impugned order dated 20.12.2012.

Now it is to be seen that when the petitioners filed WP.No.19624 of 2008 this Court disposed of the same granting liberty to the petitioners to make application for allotment of alternative land before the RDO and also directed the RDO to consider such applications. In view of the same, this Court cannot interdict the impugned proceedings when admittedly the declarant succeeded the subject land in the said proceedings and implement the proceedings under land ceiling Act.

In view of the same, I do not see any error in the order passed by the 3rd respondent. However, it is open for the petitioners to make application for allotment of alternative land as observed by this Court in WP.No.19624 of 2008 and on such application being made by the petitioners it is for the 3rd respondent to consider the same in terms of Rule 10-A(b) the A.P.Land Reforms (Ceiling on Agricultural Holdings) Act, 1973 and Rules 1974, which reads as follows;

(b) In lieu of the land so resumed and retransferred, the Revenue Divisional Officer shall take steps to allot or transfer to the allottee or transferee any other land vesting in the Government.”

Accordingly, the writ petition is disposed of. No order as to costs.

As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

20.09.2016
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A.RAJASHEKER REDDY, J

