

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.24248 of 2007

ORDER:

The petitioners claim that they purchased dry agricultural land admeasuring Ac.1.10 guntas (0.25 guntas each) situated in Survey No.120/12 to 15 of Thigalaguttapalli Village, Karimnagar Mandal and District by registered sale deeds dated 06.07.1982 from the original assignees. They came to know that a notice was issued to their vendors calling upon them to explain as to why the land assigned to them should not be resumed on account of violation of the provisions of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977. Pursuant to the said notice, when the respondents tried to interfere with the possession of the land on 01.11.2007, the present Writ Petition was filed.

No counter affidavit is filed by the Government even after ten years.

Learned Counsel for the petitioners submits that the original assignment was made under Laoni Rules where there is no prohibition for transfer of land and this is evidenced by a letter of the Collector, Karimnagar, dated 15.02.2006, addressed to the Mandal Revenue Officer, Karimnagar, pursuant to the application made by the petitioners seeking permission for sale of the land.

A reading of the letter dated 15.02.2006 shows that the Collector came to the conclusion that there was no prohibition for transfer of land and the Mandal Revenue Officer, Karimnagar, can take action as per the Rules pursuant to the application made by the petitioners herein for selling the land. Now the present Writ Petition is filed apprehending eviction pursuant to invocation of the provisions of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977. There cannot be contrary stands by the Government.

Whether the petitioners herein are entitled to sell the land is not the subject matter of the present Writ Petition and since the present Writ Petition is concerned with the interference of the respondents, this Writ Petition is disposed of directing the respondents not to evict the petitioners or take action against the possession of the petitioners, except following due process of law.

The Writ Petition is, accordingly, disposed of. The miscellaneous petitions pending in this Writ Petition, if any, shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

08.06.2017

vs