

**THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO**

**WRIT PETITION No.5819 of 2008**

**ORDER:**

Heard the learned counsel for the petitioner and the learned Government Pleader for the respondents.

2. The petitioner claims to be a small farmer and he purchased an extent of Ac.0.41 cents of land from one Shaik Lal Saheb S/o Meera Saheb, a resident of Jonnada Village prior to 1972. A registered sale deed was executed in respect of the said land on 14.10.1976. He also owned an extent of Ac.1.41 cents including the land purchased by him. While so, the 2<sup>nd</sup> respondent issued a show cause notice on 29.04.2007 under the provisions of Andhra Pradesh Assigned Lands (Prohibition of Transfer) Act, 1977. The petitioner states that he submitted an explanation on 30.01.2008, which was served on the 2<sup>nd</sup> respondent on 17.02.2008. After submitting the explanation, when there was a threat of dispossession, he filed the present Writ Petition.

3. A counter-affidavit is filed by the 2<sup>nd</sup> respondent stating that after serving the show cause notice on 01.05.2007, the petitioner has not submitted the explanation within a reasonable time, as such the order of resumption was passed on 14.06.2007, the land was taken possession by the Mandal Revenue Inspector, Mandal Surveyor, and the same was handed over to the son of original assignee. Thereafter only the petitioner submitted explanation on 30.01.2008.

4. This Court by an order, dated 18.03.2008, ordered *status quo* and the said order has been in operation till today.

5. There is no dispute that the petitioner submitted his explanation, but belatedly, and now it is stated that the order of resumption was passed on 14.06.2007 and the land was resumed on the same day. There is no evidence filed to show that it was resumed from the petitioner on the same day and was handed over to son of the original assignee. Learned Counsel for the petitioner produced before this Court a copy of the Adangal showing possession of the petitioner even as on today. Be that as it may, since there is a provision for appeal and claim of the petitioner is that he is a small farmer, who is in continuous possession of the land, this Writ Petition is disposed of giving liberty to the petitioner to prefer an appeal to the competent authority within a period of thirty (30) days from the date of receipt of a copy of this order and till disposal of the appeal by the appellate authority, *status quo* prevailing with regard to possession shall be maintained.

6. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

---

**A.RAMALINGESWARA RAO, J**

**JUNE 12, 2017**

YVL

**THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO**



**WRIT PETITION No.5819 of 2008**

**Date: 12.06.2017**

YVL