

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.26308 OF 2017

Dated:08.08.2017

Between:

Smt. Jangili Gangu, W/o. J. Rajam,
Aged about 40 years, Occ: Agriculture,
R/o.H.No.6-119/1, Kondapur Village,
Medipally Mandal, District Jagtial

.. Petitioner

And

The Principal Secretary, Land Administration,
Revenue Department, Secretariat of
Telangana, Telangana State and others

.. Respondents



The Court made the following:

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ORDER:

Petitioner claims to have purchased lands admeasuring Ac.1.00 in Survey No.428/12 and Ac.0.20 guntas in Survey No.428/14 situated at Kondapur Village, Medipally Mandal, Jagtial District through a simple sale deed dated 23.04.2008. She claims to be in possession of the said lands for the last nine years. She further claims that pursuant to the said purchase, she was issued document by the competent authority, which is called as Loan Eligibility Card reflecting the very same lands and in revenue records also, her name is reflected in enjoyers' column. While so, by the order impugned, the Tahsildar, Medipally Mandal, Jagtial District, the 4th respondent, held that the original assignee in violation of the provisions of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (for short, 'the Act') illegally alienated the lands and therefore holding sale in favour of a person, by name, Bhupelli Rajalingaiah, as illegal in exercise of power under Section 4-B of the Act he restored land in favour of the original assignee.

2. Petitioner challenges the said order on the ground that she was not put on notice before passing such order and as a consequence of purchase made from Bhupelli Rajalingaiah, she was put in possession and therefore she is entitled to a notice.

3. The order under challenge is passed by the 4th respondent in exercise of powers vested in him under Section 4 of the Act. Any person aggrieved by such decision is entitled to prefer appeal

before the Revenue Divisional Officer under Section 4-A of the Act. Without availing the said remedy, petitioner filed this Writ Petition.

4. What is contended by the petitioner is subject to verification of the revenue records. With reference to alleged possession after having purchased the subject property in the year 2008, it can be considered in appeal preferred by the petitioner. Since any person aggrieved by the decision of the Tahsildar can prefer appeal, and petitioner ought to have availed the remedy of appeal, this Court is not inclined to entertain the Writ Petition and keep the same pending.

5. The Writ Petition is accordingly dismissed leaving it open to the petitioner to avail the remedy of appeal as provided under Section 4-A of the Act. It is also open to the petitioner to file an appropriate application before the Revenue Divisional Officer praying to grant interim orders. If such an application is filed, the Revenue Divisional Officer shall consider the same expeditiously pending disposal of such appeal filed by the petitioner. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in the Writ Petition shall stand closed.

P. NAVEEN RAO, J

Date:08.08.2017

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