

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE Mr. JUSTICE M. GANGA RAO

Writ Appeal No.1518 of 2017

Judgment: (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)

This appeal, under Clause 15 of the Letters Patent, is preferred against the order passed by the learned Single Judge in W.V.M.P. No. 3212 of 2014 in W.P. No. 19265 of 2014 dated 3.3.2015.

The respondent-writ petitioner had earlier approached this Court questioning the order passed by the Tahsildar under the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (hereinafter referred to as "Act 9 of 1977"), including on the ground of bias. The learned Single Judge, by order in W.P. No. 4819 of 2013 dated 27.11.2013, observed that, in the peculiar facts of the case before him, it was but appropriate that the District Collector, Chittoor himself hold a de novo enquiry into the entire aspect, and pass an appropriate order under Section 3 read with Section 4(1)(b) of the Act; and the District Collector shall not be guided by any of the findings rendered by his predecessor-in-office while passing the order. Thereafter, on the District Collector passing an order on 1.7.2014, the 1st respondent-writ petitioner filed W.P. No. 19265 of 2014 wherein an interim order was passed. Seeking vacation of the said interim order, the appellants herein filed W.V.M.P. No. 3212 of 2014 which resulted in the order dated 3.3.2015 being passed.

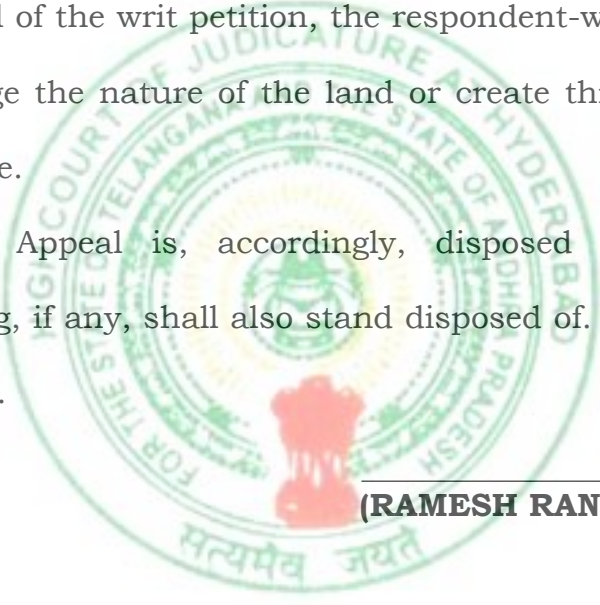
All that the learned Single Judge has, in effect, held, in the order under appeal, is that in the peculiar facts and circumstances of the case, where the Collector had decided the issue as a primary authority, and as the respondent-writ petitioner had no other remedy against the order passed by the Collector, the matter necessitated an elaborate hearing. The learned Single Judge has not held that the Collector lacks

jurisdiction to pass the impugned order. His observation, in the order under appeal, is only that the matter necessitates a detailed hearing.

With regards the submission of the Learned Government Pleader for Revenue (Assignments), that the respondent-petitioner is levelling the land and is trying to alienate the subject property, Sri V. Jagapathi, learned counsel for the respondent-writ petitioner, would submit that this allegation is wholly unfounded; and the respondent-writ petitioner is carrying on agricultural operations in the subject land.

In the light of the submission of Sri V.Jagapathi, Learned Counsel for the respondent-writ petitioner in this regard, we consider it appropriate to modify the order under appeal to the limited extent that, pending disposal of the writ petition, the respondent-writ petitioner shall not either change the nature of the land or create third party rights or alienate the same.

The Writ Appeal is, accordingly, disposed of. Miscellaneous Petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.


(RAMESH RANGANATHAN, ACJ)

(M. GANGA RAO, J)

16th October, 2017

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