

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.26627 OF 2017

Dated:09.08.2017

Between:

Gurivireddy Gangamma, W/o. Gurivi Reddy,
Aged about 55 years, R/o. Bayanapalli Village,
Badvel Mandal, Chinthala Cheruvu Post,
Y.S.R. Kadapa District

.. Petitioner

And

The State of Andhra Pradesh, rep., by its
Secretary to the Government,
Department of Consumer Affairs, Food
And Civil Supplies, Secretariat, Amaravathi,
Andhra Pradesh and others

.. Respondents



The Court made the following:

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ORDER:

Petitioner claims that he was assigned land to an extent of Ac.1.34 cents in Survey No.148/1 of Imadapuram Revenue Village, Badvel Mandal, Y.S.R. Kadapa District, and is in possession and enjoyment of the said land. While so, in the neighbouring property, illegally huge construction is being undertaken, purportedly a function hall and in the process of undertaking such construction, the 5th respondent has encroached into the land of the petitioner and the same is illegal. Aggrieved thereby, the petitioner submitted representation dated 25.05.2017 to the Tahsildar, Badvel Mandal, Y.S.R. Kadapa District, the 4th respondent, and another representation dated 03.07.2017 to the District Collector, Y.S.R. Kadapa District, the 2nd respondent. Alleging inaction on the said representations, this Writ Petition is filed.

2. A perusal of the averments made in the affidavit filed in support of the Writ Petition and D-Form patta enclosed as Annexure P1 would disclose that petitioner was assigned land to an extent of Ac.1.34 cents in the survey number mentioned above and he now alleges that the third party has illegally encroached into the said land. If what is alleged in the affidavit is true, it is always open to the petitioner to file an application before the 4th respondent praying to invoke the provisions of Section 4 of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (for short, 'the Act'). Section 4 of the Act vests power in

Tahsildar to evict illegal occupant and restore possession of the land to assignee after conducting due enquiry.

3. Having regard to the grievance ventilated in the representation, the Writ Petition is disposed of giving liberty to the petitioner to file appropriate application before the 4th respondent to exercise power under Section 4 of the Act. It is needless to observe that as and when such application is made, the 4th respondent shall consider the same objectively and take appropriate decision as warranted by law. There shall be no order as to costs.

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

Date:09.08.2017

KH

P. NAVEEN RAO, J

