

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.9268 of 2017

ORDER:

The case of the petitioner is that he is the owner and possessor of the land to an extent of 0.6 cents, situated in Survey No.277/1 of Uppaluru Village; that the said land was assigned in favour of his mother namely Musunuru Rama Tulasamma by the 4th respondent on 21.05.2000 on payment of market value; that before the assignment made in favour of petitioner's mother, the possession certificate was issued in favour of petitioner's mother by the 4th respondent dated 03.03.1999 which states that the subject land is classified as Mandabayalu Porambok. Even prior to possession certificate the Gram Panchayat passed a resolution dated 06.10.1998 stating that the said land is developed by the petitioner's mother and is being used to reach Gannavaram R&B road. It is also specifically stated that the Gram Panchayat of Uppaluru Village has no objection for assignment of 6 cents of land in favour of petitioner's mother. In pursuance to the resolution passed by the Gram Panchayat and also the possession certificate issued by the 4th respondent, assignment proceedings were issued in favour of petitioner's mother. After the assignment was made a letter was addressed from the office of Mandal Revenue Officer, Kankipadu dated 01.05.2002 stating that the District Collector who is the 2nd respondent herein granted patta on payment of market value. As such, petitioner's mother paid Rs.4,800/- on

04.05.2002 at State Bank of India, Governorpet Branch, Vijayawada vide Treasury Challan No.1540 and the same was accepted by the respondents. In view of such alienation by way of assignment on payment of market value, the nature of assignment is lost, as such, it is required to be treated the said land as private patta land and that the provisions under Section 9 of the A.P.Assigned Lands (Prohibition of Transfers) Act, 1977 has no application and the respondents are disentitled to interfere with petitioner's possession. But, the respondents without following due procedure are trying to evict the petitioners. Aggrieved by the same, present writ petition is filed.

Heard learned counsel for the petitioner and learned Assistant Government Pleader for Revenue.

In view of the aforesaid facts and circumstances, the writ petition is disposed of directing respondent authorities not to dispossess the petitioner without following due process of law. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

16.03.2017
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