

HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

WRIT PETITION NO.17779 OF 2008

ORDER:

The relief sought for in this Writ Petition is to declare the proceedings of the Mandal Revenue Officer, Shamshabad dated 01.12.2006 as arbitrary and illegal, and to direct the respondents not to interfere with the peaceful possession and enjoyment of the lands admeasuring Ac.4.00 cts in Sy. No.24/30 situated at Sayadguda, Shamshabad, Rangareddy District.

The Mandal Revenue Officer, Shamshabad, in his order dated 01.12.2006, held that the Panchayat Secretary had informed him that the 3rd petitioner and three others (petitioners herein) had purchased Government lands situated at Sayedguda village, Shamshabad for an extent of Ac.4.00 cts from the assignee Sri Ameerpet Chinna Janga; these lands were assigned in favour of the assignee; a notice was issued on 20.03.2005 to which a reply was submitted on 14.04.2005; the subject lands, purchased by the petitioners, were Government lands which were assigned in favour of landless poor persons; and as transfer of assigned lands is in violation of the provisions of the A.P. Assigned (POT) Act, 1977 (Act 9 of 1977), the lands were being resumed to the Government.

In the Writ Petition, the petitioners contend that they had earlier filed W.P. No.15080 of 2008; during the course of hearing, a copy of the order dated 01.12.2006 was filed along with a copy of the panchanama; therefore the said Writ Petition was withdrawn with liberty to challenge the impugned order; the subject lands are not

assigned lands; and this Court should therefore interfere, and pass appropriate orders in accordance with law.

The fact, that the subject lands have been resumed by the Government, is not in dispute. The question whether the subject lands, purchased by the petitioners, are assigned lands or not is a question of fact which this Court would not, ordinarily, adjudicate in proceedings under Article 226 of the Constitution of India. As the petitioners have an effective statutory remedy under Act 9 of 1977, it is open to them to avail the remedy of an appeal.

The Writ Petition fails and is, accordingly, dismissed. The miscellaneous petitions pending, if any, shall stand closed. No costs.

RAMESH RANGANATHAN, ACJ

Date: 21.04.2017.

MRKR

