

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.17695 OF 2017

ORDER:

Heard Mr. Kuriti Bhaskar Rao, learned counsel for the petitioner and the learned Assistant Government Pleader (Assignment) for respondents.

2. The petitioner prays for the following relief:

“to issue writ of mandamus or any appropriate writ order or orders by declaring the action of the 3rd respondent in trying to dispossess the petitioner from his ancestors property to an extent of Ac.0.95 cents of agricultural dry land, which was granted to the petitioner’s father viz., Sri Peetala Chandri Naidu by way of D Form patta No.732 to an extent of Ac.095 cents in Sy.No.155/2 situated at Gambheeram village, Anandapuram Mandal, Visakhapatnam District as arbitrary, illegal, violation of principles of natural justice, contrary to the procedure contemplated under Andhra Pradesh Assigned Land (Prohibition of Transfer) Act, 1977.”

3. Briefly stated the case of the petitioner is that the 3rd respondent issued notice in Form-II , dated 15-04-2017 to the petitioner. Without concluding the proceedings, the respondents are interfering with the possession of the petitioner calling upon him to vacate the petition land. The allegations in this behalf are as follows:

“I humbly submit that on 30-05-2017 at about 11.30 A.M. officials of the 3rd respondent have inspected the land of the petitioner and asked them to vacate the premises thereby I have raised the objection and vehemently opposed the high handed action of the 3rd respondent and his staff and placed all the records pertaining to the land including final order of the Writ Petition No.2490 of 2005, dated 04-04-2016. But they did not heed my request and four (4) days time has been granted otherwise, they will forcibly vacate from my land. The action of the respondent is without jurisdiction and arbitrary, violation of principles of natural justice and contrary to law and violation of Article 14 and 300A of the Constitution of India.Hence, the writ petition.”

4. The learned Assistant Government Pleader on instructions submits that as directed by this Court in W.P.No.2490 of 2005, notice under the A.P. Assigned Land

(Prohibition of Transfers) Act, 1977 has been issued. The authorities will examine the explanation and pass orders in accordance with law.

5. The instructions do not refer to the allegations of the petitioner excerpted above. Be that as it may, this Court is of the view that once a notice is issued for taking action under the Act, the respondents cannot and could not orally or otherwise interfere with the possession and enjoyment of the petitioner's property covered by notice, dated 15-04-2017 till the proceedings initiated are concluded and orders communicated to petitioner.

6. Therefore, the Writ Petition is disposed of by directing the respondents not to interfere with the possession of the petitioner till the proceedings initiated in this behalf are concluded, orders are communicated and the period available for preferring an appeal is over. No order as to costs. Miscellaneous petitions, if any pending in this writ petition shall stand closed.

DATED: 05-06-2017.

Hsd

S.V.BHATT, J