

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.12370 OF 2017

ORDER:

The case of the petitioner is that she is the owner and possessor of Ac.5.00 guntas in Survey No.21/12 corresponding to new number 21/30 of Dasnapur Village, erstwhile Adilabad Mandal, now Mavala Mandal of Adilabad District having purchased the same under registered sale deed No.64/A/84, dated 16.01.1984. Originally the aforesaid land was assigned in favour of Abdul Gafoor during the year 1951-1952 under 'laoni' rules and thereafter his brother's son one Wahabuddin succeeded the said property and mutation was sanctioned in his favour. Subsequently, he sold away the said property to the petitioner. While so, the 5th respondent has initiated proceedings for cancellation of patta by its order dated 10.06.1988 against Wahabuddin, on the ground of violation of conditions of assignment under the A.P.Assigned Lands (Prohibition of Transfer) Act, 1977. Against the said order, the petitioner, being the purchaser, preferred an appeal before the 4th respondent, which was dismissed by order dated 31.08.2002. Thereafter, the petitioner filed revision before the 3rd respondent, which was also dismissed by order dated 20.02.2006. Aggrieved the same, the petitioner filed WP.No.5318 of 2006 and the same was allowed by this Court by order dated 03.02.2011 setting aside the orders dated 10.06.1988, 31.08.2002 and 20.02.2006 passed by the 5th,

4th and 3rd respondents, but however, granted liberty to initiate *de novo* enquiry, in accordance with law. Thereafter, petitioner was issued show cause notice dated 09.05.2011 asking the petitioner to show cause as to why the assignment made in favour of petitioner's vendor shall not be cancelled. In pursuance of the same, the petitioner filed explanation on 02.06.2011. As no action has been taken on the said explanation, again petitioner filed reminder on 07.07.2013 for early disposal of the said proceedings. But, till today no action is taken. Aggrieved by the inaction of the respondents, present writ petition is filed.

Learned counsel for the petitioner submits that during pendency of WP.No.5318 of 2006, possession was taken from the petitioner on 11.03.2006 and that though the petitioner submitted explanation to the show cause notice dated 09.05.2011, no orders are passed.

Heard learned Assistant Government Pleader for Revenue.

In view of the aforesaid facts and circumstances, since the issue is pending before the 5th respondent, it is for the 5th respondent to pass final orders, in accordance with law, after issuing notice and affording opportunity of hearing to the petitioner, if not already passed. It is open for the petitioner to file necessary documents. This exercise shall be done within a

period of two months from the date of receipt of a copy of this order. It is needless to observe, if petitioner succeeds, he shall be entitled for possession of the subject land.

Accordingly, the writ petition is disposed of. No order as to costs.

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

07.04.2017
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A.RAJASHEKER REDDY, J

