

HON'BLE SRI JUSTICE S.V. BHATT

W.P. No.10018 OF 2014

ORDER:

The petitioner prays for the following relief:

“...writ of mandamus to declare the action of the respondents Nos. 2 to 4 herein, in interfering with the peaceful possession and enjoyment of the petitioner's lands in Survey No. 15/6A to an extent of Ac. 1-50 cents; in Survey No. 20/2B-1 to an extent of Ac. 1-00 cents, total to an extent of Ac. 2-50 cents situated at Kovvuru Road, Kakinada, East Godavari District as illegal, arbitrary and also oppose to all cannons of justice as well as oppose to Revenue Laws, consequentially direct respondents Nos. 2 to 4 herein, not to interfere with the peaceful possession and enjoyment of the petitioner's lands in Survey No. 15/6A to an extent of Ac. 1-50 cents; in Survey No. 20/2B-1, to an extent of Ac. 1-00 cents, total to an extent of Ac. 2-50 cents situated at Kovvuru Road, Kakinada, East Godavari District ...”

The supposition on which the writ petition is filed by the petitioner is that the respondents without recourse to law are interfering with the possession and enjoyment of the petitioner in an extent of Ac.1-50 cents in Survey No.15/6A and Ac.1-00 cents in Survey [No.20/2B-1](#) of Kakinada Village, East Godavari District.

The Assistant Government Pleader places on record the order of Tahsildar dated 04.06.2007 under the A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 (for short 'the Act').

Mr.Sai Kumar vehemently contends that the assumption of jurisdiction under the Act both is factually and legally untenable, for the assignment of subject matter was for consideration and without

the condition of non-alienability. Therefore, the purchase by petitioner is legal and valid. He fairly submits that the petitioner has to work out the remedy against the order dated 04.06.2007 of respondent No.4 in accordance with law before 3rd respondent and accordingly seeks leave from the Court. He further submits that this Court on 02.04.2014 restrained respondents from taking coercive steps vis-à-vis the subject matter of writ petition and prays for continuing the order during the pendency of appeal as well.

The Assistant Government Pleader stoutly opposes the request.

I have taken note of respective submissions. Having regard to the circumstances of the case and the grounds of challenge learned counsel has put forward, the writ petition is disposed of by this order:

The petitioner is given liberty to file appeal by enclosing a copy of this order along with petitions as are required within four weeks from today. The parties are directed to continue the order dated 02.04.2014 in this writ petition for a period of two months from today. It is again open to petitioner to obtain necessary orders from 3rd respondent before the expiry of two months period granted in this behalf.

As the petitioner is unaware of the order dated 04.06.2007, Mr.Sai Kumar requests for furnishing a copy of the order. The Court

directs Assistant Government Pleader to furnish a copy of the order dated 04.06.2007 to the petitioner.

No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

S.V.BHATT, J

Date: 06.07.2017

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