

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

AND

THE HON'BLE Ms. JUSTICE J. UMA DEVI

Writ Appeal No.1328 of 2017

Judgment: (Per the Hon'ble The Acting Chief Justice Ramesh Ranganathan)

This appeal, under Clause 15 of the Letters Patent, is preferred against the order passed by the learned Single Judge in W.P. No. 26158 of 2017 dated 7.8.2017.

The appellant herein filed the Writ Petition questioning the action of the Tahsildar in issuing endorsement dated 26.7.2017 calling upon the appellant-writ petitioner to handover the agricultural lands as required under the Andhra Pradesh Assigned Lands (Prohibition of Transfer) Act, 1977 (for short "Act 9 of 1977") as illegal, arbitrary and in violation of principles of natural justice.

By the impugned endorsement, the Tahsildar informed the appellant that his grand father had obtained an assignment patta in 1962; thereafter his father had sold the lands to others; the said lands were being cultivated by the purchasers; till date, neither the appellant nor his family members were cultivating the lands for the past 35 years; people, who had purchased the lands from the appellant's father, were cultivating the lands; and as per Act 9 of 1977, the lands were required to be handed over to the authorities, for which the appellant was being put on notice. This endorsement was issued on the basis of the appellant-writ petitioner's complaint that some others had illegally grabbed his lands; and were cultivating them.

It does appear, from the endorsement, that the appellant's father was granted an assignment patta in 1962. The endorsement does not state that the said assignment was cancelled; or whether

those, who were cultivating the lands, were granted a patta. The Tahsildar has recorded that action shall be taken under Act 9 of 1977.

The learned Single Judge has, in the order under appeal, refused to interfere with the endorsement leaving it open to the competent authority to initiate proceedings under Act 9 of 1977, if warranted. As the subject lands are, admittedly, assigned lands and the endorsement records that the appellant's father had sold away the lands to others, the question, whether such alienation is in accordance with the conditions of assignment, necessitates enquiry by the Tahsildar concerned in terms of the provisions of Act 9 of 1977. Suffice it, therefore, to dispose of the Writ Appeal directing the Tahsildar to take action under Act 9 of 1977 with utmost expedition and, in any event, on or before 31.12.2017.

The Writ Appeal is disposed of accordingly. Miscellaneous Petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

(J. UMA DEVI, J)

14th September, 2017

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