

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.31419 of 2017

ORDER:

Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue appearing for the official respondents. With their consent, the Writ Petition is disposed of at the stage of admission itself.

2. Since this Court is not going into the merits of the case, it may not be necessary to issue notice to the unofficial respondents.

3. This Writ Petition, under Article 226 of the Constitution of India, is filed with the following relief:

“...to issue a Writ order or direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the 4<sup>th</sup> respondent in passing order vide Rc.No.80/A/2017, dated:17.06.2017 to resume the lands in Sy.No.433/48 to an extent of Ac 2.33 cents, Sy.No.453/90 to an extent of Ac 2.00 cents, Sy.No.453/20 to an extent of Ac.2.00 cents, Sy.No.433-4A, 433-4B, 423-3C to an extent of Ac.6.00 cents, Sy.No.441-4, 441-7, 441-6, 441-3 to an extent of Ac 8.83 cents, Sy.No.431-4, 431-6, 431-5 to an extent of Ac 6.00 cents, Sy.No.453-4 to an extent of Ac 2.00 cents respectively situated at Panduru Village, Kotavuratla Mandal, Visakhapatnam District which are in peaceful possession and enjoyment of the writ petitioners without properly considering the contentions raised in the explanation and proper opportunity of hearing and contrary to the amended provisions of A.P. Assigned land (Prohibition of Transfer) Act, 2008 as illegal, arbitrary and in violation of

principles of natural justice and consequently set aside the same, by directing the respondents not to dispossess the petitioners from the lands in Sy.No.433/48 to an extent of Ac.2.33 cents, Sy.No.453/90 to an extent of Ac 2.00 cents, Sy.No.453/20 to an extent of Ac 2.00 cents, Sy.No.433-4A, 433-4B, 423-3C to an extent of Ac 6.00 cents, Sy.No.441-4, 441-7, 441-6, 441-3 to an extent of Ac 8.83 cents, Sy.No.431-4, 431-6, 431-5 to an extent of Ac 6.00 cents, Sy.No.453-4 to an extent of Ac 2.00 cents respectively situated at Panduru village, Kotavuratla Mandal, Visakhapatnam District.”

4. The grievance of the petitioner is that without passing any orders in the interlocutory application, the authorities are trying to dispossess the petitioners from the subject property.

5. Though various grounds are raised in the writ petition, learned counsel for the petitioners would submit that against the order of the Tahsildar, Kotavuratla Mandal (R.4), an appeal is preferred before the Revenue Divisional Officer, Narsipatnam, Visakhapatnam District (R.3), and in the said appeal, though the petitioners have filed an interlocutory application seeking suspension of the order of the Tahsildar, but the same is considered till date. Hence, pleads that the RDO may be directed to pass orders in the I.A., at the earliest.

6. Learned Government Pleader for Revenue would submit that if the Interlocutory Application is said to have been filed by the

petitioners, the authorities may be directed to pass order in the said I.A., at the earliest.

7. Having regard to the above, the Writ Petition is disposed of directing the 3<sup>rd</sup> respondent to pass appropriate orders on the Interlocutory Application said to have been filed by the petitioners, along with the appeal filed against the order of the Tahsildar, in accordance with law, as early as possible preferably within a period of four (04) to six (06) weeks. Till such time, parties shall maintain *status quo* with regard to possession.

Consequently, Miscellaneous Petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

JUSTICE C. PRAVEEN KUMAR

Date: 18.09.2017

Note: Furnish CC in two (02) days

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