

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WP.NO.13680 OF 2017

O R D E R:

The case of the petitioners is that even according to the impugned proceedings the assignment of subject lands was made in the year 1929, as such, provisions of the A.P.Assigned Lands (Prohibition of Transfers), Acts 1977 has no application, since the alienations clause was introduced for the first time in the year 1954. But, inspite of the same, the 4th respondent passed impugned orders for restoration of the subject lands to the legal heirs of the original assignee. Against the same the petitioners also preferred appeal along with stay petition and the same is pending before the 3rd respondent. In the meanwhile the respondents are trying to evict the petitioners from the subject land. Aggrieved by the same, present writ petition is filed.

Learned counsel for the petitioners submits that the assignment of the subject land is in the year 1929, as such, provisions of the A.P.Assigned Lands (Prohibition of Transfers), Acts 1977 has no application. In support of his contention he relied on the Judgment rendered by this Court in ***Boya Ramappa and another v. Joint Collector, Anantapur District and others (2017 (2) ALT 237).***

Heard learned Assistant Government Pleader for Revenue.

Since petitioners have already availed remedy of appeal before the 3rd respondent, the 3rd respondent is directed to consider the appeal by taking into account the Judgment of this Court in ***Boya Ramappa and another v. Joint Collector, Anantapur District and others (2017 (2) ALT 237)***, relied on by the petitioners and dispose of the same, in accordance with law, after issuing notice and affording opportunity of hearing to the petitioners. Till passing of orders in the appeal, the impugned order dated 24.03.2017 passed by the 4th respondent is suspended and there shall be stay of dispossession of petitioners.

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.

A.RAJASHEKER REDDY, J

18.04.2017
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