

HON'BLE SRI JUSTICE S. V. BHATT

Writ Petition No.23750 of 2017

ORDER:

The petitioners pray for *mandamus* declaring the action of Respondents 4 and 5 in trying to dispossess petitioners from an extent of 2,720 sq. yards and 1, 760 sq. yards, respectively, in Sy.No.2084/ 2 in Bit-I, Kottur Village, Nellore Rural Mandal, SPSR Nellore District, without recourse to law, as illegal, arbitrary and unconstitutional.

2. The petitioners claim right, title and possession to subject matter of the writ petition basing on settlement deed dated 07.08.2013 executed by one Giddaluru Kanthamma, grand mother of petitioners herein. Now the complaint is the respondents without recourse to law, are meddling with the rights of the petitioners. Hence, the writ petition.

3. On 19.07.2017, the writ petition is directed to be taken up today, at request of learned Assistant Government Pleader (Revenue) to enable him to get instructions on the alleged complaint of petitioners herein. The Assistant Government Pleader, places on record the written instructions of 5th respondent in the matter. According to 5th respondent, steps were initiated under the A.P. Assigned Lands (POT) Act, 1977 and through the proceedings Rc.B.575/ 2015 dated 16.04.2015, an order of resumption was passed against Giddaluru Kanthamma. Aggrieved parties filed appeal before the Revenue Divisional Officer and the appeal is pending.

4. This court is of the view that petitioners, being transferees from Giddaluru Kanthamma, cannot file instant writ petition for the limited relief of seeking protection from interference with petitioners'

right by respondents. Once an order of resumption is passed, petitioners have to workout all prayers by challenging the order of resumption. Since already appeal is pending, it is open to the petitioners to take up necessary steps before the Revenue Divisional Officer, Nellore.

5. With the above observation, the writ petition is dismissed. No order as to costs. Pending miscellaneous petitions if any in this writ petition shall stand dismissed in consequence.

S.V.BHATT, J

Date: 20.07.2017
BSS



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