

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.1154 of 2017

ORDER:

The present writ petition is filed by the petitioner seeking to declare the action of the respondents 2 and 3 in issuing notice, dated 09.12.2016, calling for fresh determination of landless poor farmer status in respect of land admeasuring Ac.0.55 cents in RS No.3/ 9-B2, 3/3-B, situated in Viderswaram village, Ravulapalem Mandal, East Godavari District, without reviewing the income ceiling limit under Section 832(2) of A.P. Charitable & Hindu Religious & Endowment Act, as illegal and arbitrary.

Heard and perused the material available on record.

The case in brief is that the petitioner was declared as landless poor vide proceedings of the 2nd respondent, dated 04.02.2006. Now, the 3rd respondent issued the impugned notice to the petitioner informing him that they want to review the earlier order and directed the petitioner to produce the latest income status certificate, and get recognition as landless poor farmer.

Learned counsel for the petitioner submitted that if the 3rd respondent intends to review the status of the landless poor farmer, necessarily, the ceiling limit of income also to be reviewed and further when the petitioner approached the 4th respondent for issuance of income certificate, the 4th respondent stated that according to the instructions of the higher authorities, no income status certificate shall be issued for less than 40,000/- per year and therefore, he cannot issue the income status certificate for Rs.12,000/- per year, and the

petitioner is not in a position to obtain the documents to produce before the 3rd respondent.

Taking into consideration the circumstances of the case and the grievance of the petitioner, this Court is of the view that the writ petition can be disposed of with the following directions:

The petitioner is directed to submit a representation/ reply to the impugned notice by submitting his contentions and produce the documents available with him, and on submission of such representation /reply, the 3rd respondent is directed to consider the same and pass appropriate orders in accordance with law, within a period of two (2) months from the date of receipt of a copy of this order. The respondents are directed not to interfere with the possession of the petitioner in respect of the subject property, till the decision taken by the 3rd respondent, basing on the representation/ reply submitted by the petitioner.

Accordingly, the Writ Petition is disposed of. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

RAJA ELANGO, J

January 06, 2016.
KTL

