

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.33144 OF 2017

Dated:05.10.2017

Between:

Smt. Aripaka Kanchana, W/o. Late Srinivasa
Rao, Pendurthi Vilalge and Mandal,
Visakhapatnam District and others

.. Petitioners

And

The State of Andhra Pradesh, rep., by its
Principal Secretary, Revenue Department,
Secretariat, Velagapudi, Amaravathi,
Krishna District and others

.. Respondents



The Court made the following:

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ORDER:

Heard.

2. Petitioners are challenging the order dated 31.08.2017 of the Tahsildar, Anandapuram, passed under Section 3 of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (for short, 'the Act'). Against the said order of the Tahsildar holding that there is violation of assignment conditions, an appeal shall lie under Section 4-A of the Act to the Revenue Divisional Officer. Without availing the said remedy of appeal, this Writ Petition is filed.

3. Learned counsel for the petitioners sought to contend that the order of Tahsildar is passed without notice to all the legal heirs. This is also a question to be verified. The fact of knowledge and no opportunity was given to the petitioners requires verification. Since the remedy of appeal is available to the petitioners, this Court is not inclined to grant the relief as sought for by them.

4. At this stage, learned counsel for the petitioners contends that pursuant to the orders of the Tahsildar, the petitioners are sought to be evicted from the subject property and a limited protection may be granted to them.

5. The Writ Petition is accordingly disposed of leaving it open to the petitioners to avail the remedy of appeal as available under Section 4-A of the Act. It is also open to the petitioners to file an

application for stay of the order passed by the Tahsildar. Subject to their preferring appeal within a period of two weeks from today and if the petitioners are not already dispossessed from the subject land, they shall not be dispossessed till the application of stay is considered by the appellate authority. If no appeal is preferred within the time granted, it is open to the authority concerned to proceed further as per the orders of the Tahsildar impugned in the Writ Petition. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in the Writ Petition shall stand closed.

Date:05.10.2017

Note:- Issue C.C. in three days.

(B/o)
KH

P. NAVEEN RAO, J

