

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.5101 of 2011

ORDER:

Heard Mr K.Murali Krishna for petitioner and learned Government Pleader for Revenue.

The petitioner complains against inaction of respondent Nos.1 and 2 in finalizing alienation proposal of land, admeasuring Ac.4.05 cents in Sy.No.489/2 of Gonumakulapalli Village, V.Kota Mandal, Chittoor District, in terms of proposal of third respondent dated 08.03.2010, as arbitrary and illegal.

The prayer is one against inaction in considering and finalizing the alienation proposals submitted by the third respondent. Therefore, for brevity, I am not referring to various circumstances stated by the petitioner in the writ affidavit. The third respondent through letter No.RCB/NOI/2010, dated 08.03.2010, forwarded alienation proposals to second respondent.

Perusal of communication dated 08.03.2010 reveals that the petitioner is a lessee of Sy.No.489/2 from one Chengappa S/o.Munaswamy. It further reveals that, as transfer in favour of petitioner is contrary to law, the third respondent was directed by the second respondent to resume land and send alienation proposals. The third

respondent appears to have acted promptly, resumed the assigned land and, thereafter, sent the proposals.

This Court is of the view that the alienation proposals of passing by second respondent are sent on 08.03.2010, and do not conform to the scheme of Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977, or the policy of government to consider alienation proposals either under Board Standing Orders or the executive instructions issued from time to time. Since the very basis in the recommendation does not conform to the requirements of law, though the prayer is against inaction, this Court is not inclined to exercise its discretion and issue directions to the respondents.

Hence, the Writ Petition fails and is dismissed accordingly. No order as to costs.

Miscellaneous Petitions pending, if any, shall stand closed.

S.V.BHATT, J

Date:24.01.2017
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