

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.21965 OF 2016

Date: 13.09.2017

Between:

Jallepalli Rama Koteswara Rao S/o Anjaneyulu,
Aged 52 years, R/o. 1/5, Ramannapeta,
Koratipadu, Guntur, A.P.

.....Petitioner

and

The State of Andhra Pradesh, rep.by its Principal
Secretary, Revenue (Assn.I) Department,
Secretariat, Hyderabad and others.

.....Respondents



The Court made the following:

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ORDER:

In this writ petition the issue was whether the land assigned was burdened with prohibition/alienation. Earlier when the land was sought to be resumed on the ground that the sale transaction was in violation of the provisions of the A.P.Assigned Lands (Prohibition of Transfer) Act, 1977, learned single Judge of this Court in W.P.No.18734 of 2012 and batch held the resumption as illegal. Revision filed thereon was also dismissed. Learned counsel further contends that the prohibition or alienation was challenged in W.P.No.35334 of 2012 and learned single Judge of this Court held that if assignment was granted prior to 1954, alienation is not prohibited. As a consequence, the Revenue Divisional Officer passed orders on 07.02.2013 excluding the properties from the list of prohibited properties. He would therefore submit that fresh inclusion orders including very same properties in the prohibited list is *ex facie* illegal.

3. Learned Government Pleader on the contrary submits that consequent to the judgment of Full Bench of this Court in **Vinjamuri Rajagopala Chary v. State of Andhra Pradesh**¹, liberty is available to the State to include any property which is covered by the provision under Section 22-A(1) of the Registration Act, 1908 (Act, 1908) and, therefore, there is no illegality in including the properties claimed by the petitioners in the list of prohibited properties. He also sought to contend that even assignments made prior to 1954 are not excluded from prohibition/alienation and,

¹ 2016 (1) ALT 570 (FB)

therefore, contention of the learned counsel for petitioner is not valid.

4. At this stage, learned counsel for petitioner submits that petitioner may be granted liberty to raise all objections as available in law including placing reliance on the decisions rendered by this Court concerning the very same property and the orders passed by the Revenue Divisional Officer.

5. Without expressing any opinion on merits, Writ Petition is disposed of, granting liberty to the petitioner to file application/ representation, if so advised, before the Committee constituted by the Government in pursuant to the Full Bench judgment and it is always open to the petitioner to raise all objections as available in law including the contentions urged in this writ petition. It is needless to observe that as and when such objections are raised, the Committee shall duly consider all the objections and take a decision as warranted by law.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

JUSTICE P.NAVEEN RAO

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