

HON'BLE SRI JUSTICE S.V.BHATT

W.P.No.618 OF 2014

ORDER:

The petitioner prays for Mandamus declaring the action of respondents 2 to 4 in dispossessing the petitioner in a highhanded way, as illegal and unconstitutional.

The prayer refers to an extent of 233.33 sq. yards in Plot Nos.7 and 8 at Chinnamushidiwada Village, Pendurthi Mandal, Visakhapatnam District. The petitioner claims to have purchased the property through registered sale deed dated 07.05.2010 from SMahalakshi Naidu. The sale deed refers to Sy.No.196/3 but does not refer to the proceeding through which the extent in Sy.No.196/3 is divided into plots or converted as residential lay out. The petitioner relies upon adangal pahanies standing in the name of petitioner's vendor's vendor in possessory column. Therefore, the petitioner prays for the relief referred to above.

The respondents filed counter affidavit and the gist of the reply is that the land in Sy.No.196/3 in an extent of Ac.3-82 cents is Government land classified as 'Gayalu' and was assigned to one SAppala Naidu under landless poor category. Hence, the land is inheritable, but not alienable. The sale deed relied upon by the petitioner is contrary to the provisions of the A.P. Assigned Lands (Prohibition of Transfers) Act, 1977. As regards physical features, it is stated the entire land is vacant and the possession of petitioner is also denied.

Mr.A.S.C.Bose, after taking note of the stand taken in the counter affidavit, alternatively submits that the petitioner may be given liberty to represent to respondents 2 to 4 for appropriate orders on the small plot purchased by petitioner.

The writ petition is dismissed, as the petitioner failed to make out *prima facie* of physical possession and enjoyment of small extent of 233.33 sq. yards in Sy.No.196/3. However, liberty is granted to petitioner to represent to respondents 2 to 4 as advised.

With the above observations, the writ petition is dismissed. There shall be no order as to costs.

Consequently, miscellaneous petitions, if any pending, stand closed.

06th July, 2017

Lrkm



S.V.BHATT,J