

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

WRIT PETITION NO.7008 OF 2005

ORDER:

This writ petition is filed, seeking to declare the order of the 3rd respondent issued in Rc.C.3378/04, dated 28.02.2005 as illegal, arbitrary and without jurisdiction.

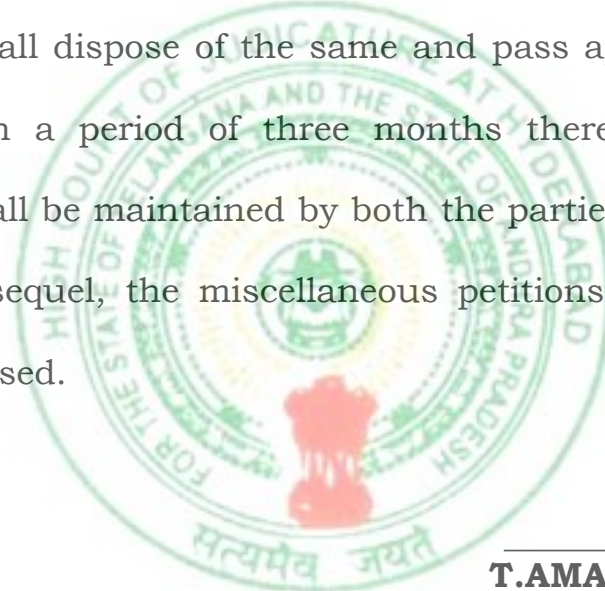
2. The case of the petitioners is that they purchased the lands in an extent of Ac.14.60 cents, situated in Pedatummidi village, Bantumilli Mandal, Krishna District from the owners. From date of purchase, they are in possession of the said lands and now, they are conducting fish tank operations in the said lands. While so, the 3rd respondent conducted an enquiry without giving any notice to the petitioners and passed the impugned order stating that the transaction of the petitioners is not valid and directed the 4th respondent to take possession of the subject lands from the petitioners, which is in violation of principle of *audi alteram partem* and hence the impugned order passed by the 3rd respondent is liable to be set aside.

3. It is the case of the respondents that the subject lands are assigned lands and the sale transactions of the petitioners are not valid. After conducting due enquiry and giving notice to the petitioners, the lands have been resumed and handed over to the original assignees on 4-3-2005 even before the interim orders passed by this Court on 31-3-2005.

4. The admitted facts are that the subject lands are originally assigned lands and sale deeds have been executed by the original

assignees in favour of the petitioners. However, the original assignees have denied the same during the course of enquiry before the revenue authorities.

5. Having regard to the facts and circumstances of the case, without going into the disputed questions of fact with regard to the possession and the issue whether fair enquiry has been conducted by giving notice to the petitioners, the writ petition is disposed of directing the petitioners to file an application before the first respondent within a period of one month from the date of receipt of a copy of this order. On receipt of such an application, the first respondent shall dispose of the same and pass appropriate orders thereon within a period of three months thereafter. Till then status-quo shall be maintained by both the parties. No order as to costs. As a sequel, the miscellaneous petitions, pending if any, shall stand closed.



T.AMARNATH GOUD, J

Date: 19-12-2017.

Shr