

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.26158 of 2017

DATED : 07.08.2017

Between :

Moyyeti Nageswara Rao S/o.Late Venkateswara Rao,
Aged about 24 yrs, Occu : Agriculture,
R/o.Doramamidi Village, Buttayagudem Mandalam,
West Godavari District. A.P.

.. Petitioner

And

The State of Andhra Pradesh,
Rep., by its Principal Secretary,
Revenue Department,
Velagapudi, Amaravathi,
Guntur District & others.

.. Respondents



This court made the following :

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ORDER :

Heard.

2. Petitioner claims to be the grand son of Moyyeti Venkaiah, in whose favour assignment was granted to an extent of Ac.3.90 cents in Sy.No.94/5, of P.Narayanapuram Village, Jeelugumilli Mandal, West Godavari District. Alleging some unauthorised and illegal occupation on the subject land, petitioner submitted a complaint on 10.07.2017 to the Tahsildar, Jeelugumilli Mandal, West Godavari District, to remove those illegal occupations.

3. Responding to the complaint presented by the petitioner, by endorsement dated 26.07.2017 the Tahsildar, Jeelugumilli Mandal informed the petitioner that *prima-facie* verification of the records would disclose that assignee left the village long ago after selling the lands to others and nobody in the family is cultivating the said lands. Therefore, appropriate steps will be taken in accordance with the provisions of Andhra Pradesh Assigned Lands (Prohibition of Transfer) Act, 1977 (for short 'the Act, 1977'). Petitioner challenges the said endorsement in this writ petition.

4. As briefly noted above, the endorsement was given to the petitioner in response to the allegation of unauthorised/illegal occupation by third parties. The authority informed the petitioner that appropriate steps would be taken in accordance with the provisions of the Act 1977.

5. I therefore, see no illegality in the information furnished to the petitioner in the form of an endorsement as per the request made by the petitioner. It is needless to observe that the Act 1977

vests power in the competent authority to evict the illegal occupants and prohibit illegal transactions and resume land to the Government, if it is proved that, in violation of assignment granted, the property was sold or the original assignee is not in occupation.

6. Petitioner claims to be in possession and enjoyment of the property and that he fulfils all the requirements of assignment. If what is stated by the petitioner is correct, it is always open to him to respond to the notice, when the same is issued under the Act, 1977.

7. Therefore, I see no justification to interfere with the order impugned at this stage and the writ petition is liable to be dismissed and is accordingly dismissed. However, it is open to the competent authority to initiate the proceedings under the Act, 1977, if warranted. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

7th August, 2017
Rds

P.NAVEEN RAO,J