

HON'BLE SRI JUSTICE S.V. BHATT

Writ Petition No.23125 of 2017

ORDER:

Heard Sri Teegala Rajesh for petitioner and the Assistant Government Pleader (Revenue) for respondents.

2. The petitioner complains against unilateral action of the 4th respondent in deleting the names of the petitioner's vendors in Pattadar and Enjoyment columns for Sy.Nos.1629, 1630 and 1631 in an extent of Ac.3.16, Ac.3.22 and Ac.8.20 guntas of Wardhannapeta Village and Mandal, as illegal and violative of principles of natural justice.

3. The petitioner claims to be the purchaser of subject matter through document dated 16.01.2011 from one Vemula Upayogam S/o Yellaiah, General Power of Attorney of Ponnala Lakshmi etc. According to the petitioner, the petitioner is in possession and enjoyment of the subject land. Now the 4th respondent without issuing notice or affording opportunity to the petitioner or to the general power of attorney holder changed the entries in the revenue records as noted above. Hence, the writ petition.

4. The writ petition has been directed to be listed today to enable the respondents to place before the court instructions or counter-affidavit on the limited grievance of the petitioner. The Assistant Government Pleader places on record the written instructions dated 13.07.2017 and the instructions are taken on file. From the instructions, it is clear that the 4th respondent has changed the names in Pattadar and Enjoyment columns for the petition land. Further, the instructions do not show that any procedure was followed or enquiry was conducted before

deleting the names of the persons, who were recorded as Pattadars / possessors, much less any enquiry is conducted in this behalf. According to the 4th respondent, the petition land is assigned land and execution of any document, attracts the provisions of the A.P. Assigned Lands (Prohibition of Transfer) Act, 1977 (for short 'the Act') and amounts to breach of assignment conditions. Therefore, the land has been restored to Government.

5. After taking note of manner in which the changes have been effected, this court constrained to observe that the assignees, if have violated conditions of grant and the assignments are required to be cancelled and land restored to Government, the 4th respondent is under obligation to follow the procedure under the Act. In the case on hand, nothing has been done till date. Therefore, the entries and also resumption of possession of land in favour of Government is unsustainable. Hence, the writ petition is disposed of by this order:

6. The 4th respondent shall restore the entries of assignees of petition land and is given liberty to proceed, if the assignees have violated the conditions of assignments and pass orders as are warranted in the circumstances of the case. No order as to costs. Pending miscellaneous petitions if any in this writ petition shall stand dismissed in consequence.

S.V.BHATT, J

Date: 14.07.2017
BSS

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