THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.NO.6621 OF 2017

O R D E R

The case of the petitioner, as per the writ affidavit, is that he is in possession of the subject land, having purchased the same under registered sale deed dated 8.2.1989 from one Smt. Veera Surya Kanthamma, who in turn purchased the same from one Smt. Gunda Sayamma under registered sale deed dated 4.6.1977. The 4th respondent, who is an unofficial respondent, alleging that his father is a political suffer and that D-form patta in respect of the subject land has been granted to him in the year 1972 and that some third party has been in possession by virtue of sale deed dated 4.6.1977, filed a complaint before the Mandal Revenue Officer for resumption of the subject land and for cancellation of the sale deed. The Mandal Revenue Officer, Bhimavaram by proceedings in R.dis.89/98(B) dated 6.12.2004 ordered for eviction of the petitioner and for resumption of the land. Challenging the same, petitioner preferred appeal to the Revenue Divisional Officer, Narsapur. By order in Dis.No.810/2005(K) dated 22—04—2006, the Revenue Divisional Officer, held that the provisions of the A. P. Assigned Lands (Prohibition on Transfers) Act, 1977 are not applicable, and that as the petitioner has been in possession of the subject property since 1989, it is not desirable to resume the land from the petitioner in the absence of any specific rule position. Now the grievance of the petitioner is that the 3rd respondent – Sub collector, again on the very same allegations of the 4th respondent with regard to encroachment, issued notice dated 16.1.2017 asking the petitioner to appear before him along with the entire record. Aggrieved by the said notice, the present writ petition has been filed.

The learned counsel for the petitioner reiterating the above writ averments submit that the Revenue Divisional Officer by proceedings dated 22-04-2006 has negatived the claim of the 4th respondent and held that resumption of the subject land cannot be made. Again issuing the impugned notice by the 3rd respondent – Sub Collector based on the very same allegations of the 4th respondent, is not justified. He submits that the petitioner has placed the entire material, including the earlier proceedings of the Revenue Divisional Officer dated 22.04.2014. In spite of the same, the 3rd respondent without rejecting the complaint of the 4th respondent, has adjourned the matter.

The learned Government Pleader for Revenue submits that since the petitioner has already placed all the material, it is for the 3rd respondent to pass orders and the petitioner instead of awaiting the orders of the 3rd respondent, approached this court.

As the petitioner has already filed the relevant material in support of his claim pursuant to the impugned notice dated 16.1.2017, without expressing any opinion on merits, the writ petition is disposed of at the stage of admission, directing the 3rd respondent – Sub Collector to consider the said material and after affording opportunity to the petitioner as well as the 4th respondent, shall pass appropriate orders in accordance with law. No costs.

Miscellaneous petitions pending if any, shall stand closed.

A.RAJASHEKER REDDY,J

DATE: 27—02—2017
AVS