

***THE HON'BLE SRI JUSTICE P. NAVEEN RAO***

**WRIT PETITION No.34510 OF 2017**

Dated:25.10.2017

Between:

Smt. Chaduvula Jagadamba,  
W/o. Venkat Surya Prakasha Rao,  
Aged about 61 years, Occ: Houshold  
Duties, R/o. G Sigadam Village and  
Mandal, Srikakulam District and others

.. Petitioners

And

The State of Andhra Pradesh, Revenue  
Department, Secretariat Buildings,  
Velagapudi, Amaravathi, Guntur District,  
rep., by its Principal Secretary and others

.. Respondents



**The Court made the following:**

**THE HON'BLE SRI JUSTICE P. NAVEEN RAO**

**WRIT PETITION No.34510 OF 2017**

**ORDER:**

Heard.

2. This Writ Petition is filed challenging the letter dated 05.09.2017 of the Revenue Divisional Officer, Tekkali, addressed to the Tahsildar, Tekkali, directing the Tahsildar to hand over advance possession of land to an extent of Ac.1.70 cents in Survey No.522/2 to the Police Department.

3. Petitioners 1 and 2 claimed to be the daughters of A. Suryanarayana, who was assigned land to an extent of Acs.2.45 cents in Survey No.522/2. Sri R. Koteswar Rao represents petitioners 1 and 2 as General Power of Attorney holder. Petitioners 3 to 5 claimed to have purchased plots admeasuring 400 yards, 300 yards and 200 yards by three separate registered sale deeds.

4. The material on record would disclose that having found that the assignee violated the terms of the assignment and sold the subject land to third parties, proceedings were initiated under the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (for short, 'the Act') to resume the land by cancelling the assignment granted. It appears, Form - I notice was issued to the assignees and Form - II notice was issued to the General Power of Attorney holder and the subsequent purchasers. Holding that their addresses were not available and their whereabouts were not known, notices were pasted on the property and thereafter further

proceedings were initiated and final orders were passed resuming the land and consequently, possession was also taken. Thereafter, by letter dated 05.09.2017, impugned in the Writ Petition, the Tahsildar, Tekkali, was authorized to hand over the possession over the land to an extent of Ac.1.70 cents to the Police Department. At this stage, the present Writ Petition is filed.

5. Learned Assistant Government Pleader for Revenue produced the records as directed by the Court showing the issuance of notices, pasting of notices on the subject property and passing of further orders including resuming the land.

6. Learned counsel for the petitioners made extensive submissions and contended that proceedings of resumption and taking possession were not served on the petitioners and therefore they could not work out further remedies available to them. However, all the documents are now supplied to learned counsel for the petitioners by the learned Assistant Government Pleader.

7. At this stage, learned counsel for the petitioners seeks leave of the Court to file appeal against the orders passed by the Tahsildar under the provisions of the Act and resuming the land. Learned counsel further seeks direction not to take further steps on the subject property till appeal is disposed of by the appellate authority.

8. Learned Assistant Government Pleader fairly submits that till the orders are passed by the appellate authority, no further steps would be taken on the subject property.

9. Having regard to the submissions, the Writ Petition is disposed of, without entering into the merits of the respective contentions, leaving it open to the petitioners to raise all the contentions available to them in the appeal they intend to prefer. The petitioners are granted liberty to prefer appeal. If such appeal is preferred by them within a period of ten (10) days from today, the appellate authority shall consider the said appeal objectively and shall pass appropriate orders within a further period of three (3) weeks from the date of receipt of appeal. Petitioners shall be given opportunity of personal hearing before passing orders by fixing a date in advance. Petitioners shall furnish the addresses on which the notices of personal hearing are to be served. Till the orders are passed, no further steps should be taken by the authorities concerned on the development of the property in issue. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in the Writ Petition shall stand closed.

***P. NAVEEN RAO, J***

Date: 25.10.2017

Note:- Issue C.C. tomorrow.

(B/o)  
KH