

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.35266 OF 2017

DATED : 25.10.2017

Between :

Adapureddy Appa Rao S/o.Late Simhachalam,
Aged about 61 yrs, Cultivation,
R/o.G.Kothuru (V),
H/o.Gundupala (V), Golugonda Mandal,
Visakhapatnam District.

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Petitioner

And

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

..

Respondents



This court made the following :

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ORDER :

Heard.

2. Shorn of details, the issue for consideration at this stage is eviction of petitioner from subject land. The Tahsildar, Golugonda, (R.4) on 18.07.2017 in exercise of powers under Section 4(1) of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (for short, 'the Act'), held that the petitioner has acquired the assigned land in question in contravention of provisions of Sub-Sections (1) and (2) of Section 3 of the Act 9 of 1977, and therefore, liable for eviction from the land. The Tahsildar directed the Mandal Revenue Inspector to take possession of the land after evicting the petitioner from the subject land. Aggrieved thereby, petitioner preferred appeal before the Revenue Divisional Officer, Narsipatnam (R.3).

2. Learned counsel for the petitioner submits that the petitioner also filed an application to grant stay of the order of the Tahsildar and the stay application was also received by the office of the RDO. While so, in terms of the directions issued by the Tahsildar, the Revenue Inspector is taking steps to evict the petitioner from the subject land and in such a case, grave prejudice would be caused to the petitioner, compelling him to invoke the jurisdiction of this Court.

3. Petitioner enclosed a copy of appeal preferred by him as Annexure-P2. If that is so, Writ Petition is disposed of without expressing any opinion on merits as under:

As the appellate authority has already received stay application along with appeal, it shall consider the stay application and pass appropriate orders on the claim of the petitioner for grant of stay of the orders passed by the Tahsildar and till stay application is considered and appropriate orders are passed in due compliance of the statutory requirements, petitioner shall not be dispossessed from the subject land. It is open to the petitioner to work out his remedies as available under law, if no favourable orders are passed by the Revenue Divisional Officer on his stay application. There shall be no order as to costs.

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

25th October, 2017
Rds

P.NAVEEN RAO,J