

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.44736 OF 2016

Date: 01.02.2018

Between:

Chinnamsetti Suri Babu, S/o. Narayana Rao,
Aged 43 years, r/o. D.No.7-123, OC Colony,
Gangavaram, Rajavaram, Koyyalagudem (M),
West Godavari district and another.

.....Petitioners

and

State of Andhra Pradesh, rep.by its Secretary,
Revenue Department, A.P.Secretariat,
Velagapudi, Guntur district and others.

.....Respondents



The Court made the following:

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.44736 OF 2016

ORDER:

Heard. With the consent of learned counsel for petitioners and learned counsel for respondents, this writ petition is disposed of finally.

2. According to petitioners, property to an extent of Ac.6.65 cents and Ac.10.30 cents each in R.S.Nos.281, 176, 126/1, 124, 128/1, 164/1 and 163 of Rajavaram Panchayat, Rajavaram Village, Koyyalagudem Mandal, West Godavari district, originally belongs to Vadapalli Ramulamma. According to petitioners, Ramulamma executed a registered settlement deed in favour of petitioners' father in the year 1963 and petitioners succeeded to the said property. Ramulamma died on 02.05.2015. In this writ petition, petitioners allege that though they are in possession and enjoyment of subject land, at the instance of unofficial respondents 5 and 6, the official respondents are trying to mutate the names of respondents 5 & 6 in the revenue records and sought to dispossess them.

3. According to learned counsel for respondents 5 and 6, Smt. Ramulamma executed registered will on 30.04.2015 bequeathing the land to an extent of Ac.10.30 cents in R.S.Nos.128/1, 164/1 and 163 of Rajavaram village and ever since they are in possession and enjoyment.

4. Having regard to these submissions, a bare look at the prayer in the writ petition would show that this writ petition is filed alleging that by invoking jurisdiction of Andhra Pradesh Assigned

Lands (Prohibition of Transfers) Act, 1977 (Act, 1977), the official respondents threatened to dispossess petitioners at the instance of unofficial respondents 5 and 6. There is no averment in the affidavit filed in support of writ petition explaining as to how provisions of the Act, 1977 are sought to be invoked to dispossess petitioners. The Act, 1977 applies to the land vested in Government and assigned to landless poor. If any person is in occupation of land assigned to landless poor or sale was made contrary to provisions of the Act, the competent authority can restore the possession to the assignee or resume the land. Thus, essential pleadings required to seek the prayer are not made.

5. Learned counsel for petitioners is also unable to set out as to what is the grievance necessitating institution of the writ petition. Furthermore, pleadings of petitioners in the writ petition would go to show that the property, *prima facie*, was originally standing in the name of Mrs. Ramulamma and both parties respectively claimed that said property was given to them by late Ramulamma. In other words, there is a rival claim to subject property. If that is so, petitioners have to work out their remedies as available in common law. No case is made out for interference by this Court in a dispute involving two private persons. Writ petition is accordingly dismissed.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed. No costs.

JUSTICE P.NAVEEN RAO

Date: 01.02.2018
kkm

HON'BLE SRI JUSTICE P.NAVEEN RAO



WRIT PETITION NO.44736 OF 2016

Date: 01.02.2018

kkm