

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.2488 of 2018

ORDER:

It is the case of the petitioner that out of total land of an extent of Ac.14.27 guntas situated in Sy.No.260/46, an extent of Ac.7.14 guntas was purchased by the Government for assigning the land to the Chenchus and the balance extent of Ac.7.13 guntas, along with other land, was purchased by M/s Prestige Avenues Limited under registered sale deed dt. 21.03.2006. The land situated in Sy.No.260/45, 260/47 and 260/48, and the name of company was recorded in the Record of Rights. The said company also purchased another extent of Ac.17.16 guntas in Sy.Nos. 260/45, 260/47 and 260/48 and it was permitted to convert the agricultural land into non-agricultural purposes by proceedings of respondent No.3 dt. 29.01.2008. Subsequently, the said land was purchased by M.V.R.S Prasad under sale deed dt. 09.04.2007 and he also purchased another extent of Ac.19.16 guntas of land in Sy.No.260/45, 260/46, 260/47 and 260/48. The petitioner purchased Ac.14.27 guntas out of total extent of Ac.19.16 guntas from M.V.R.S. Prasad. On the basis of the complaint against Pyramid Spiritual Society, an enquiry was conducted and it revealed that an extent of Ac.12.00 of land situated in Sy.No.260/46 belong to the Government and encroachments took place. Respondent No.4, accordingly, issued notice to the Petitioner proposing to resume the said land as the said land was assigned land. A reply was submitted stating that an extent of Ac.7.13 guntas in Sy.No.260/46 is not assigned

land and the same is patta land. However, respondent No.4 issued Orders on 25.01.2014 resuming the land on the ground that the said land was an assigned land. Since the said Order was passed at the instance of the District Collector, the petitioner felt that no useful purpose would be served by invoking remedy of appeal and accordingly filed W.P.No.15309 of 2015, but the company was advised to file appeal and accordingly, he filed an appeal before respondent No.3 challenging the Order dt.25.01.2014 passed by respondent No.4 in July, 2017 and as the appeal was not taken up by respondent No.3, the present Writ Petition is filed.

Since the appeal is pending before respondent No.3, this Court is not inclined to go into the merits of the case nor entertained the present Writ Petition.

With the above observation, this Writ Petition is disposed of directing respondent No.3 to consider the appeal preferred by the petitioner as against the Order dt. 25.01.2014 of respondent No.4 and dispose of the same in accordance with law within a period of Six months from the date of receipt of a copy of this Court.

As a sequel, miscellaneous applications pending, if any, shall stand closed.

A.RAMALINGESWARA RAO, J

Dt: 20-02-2018
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