

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

WRIT PETITION NO.131 OF 2016

ORDER:

This writ petition, under Article 226 of the Constitution of India, is filed by the petitioners to declare the inaction of the respondent Nos.2 to 4 in taking any action/steps against the respondent No.5 as per the provisions of the A.P. Assigned Lands (Prohibition of Transfers) Act, 1977, in spite of representations dated 30.11.2015 and 25.04.2008 as illegal, improper, arbitrary and unconstitutional.

It is the case of the petitioners that the land to an extent of Ac.5.41 cents situated in Sy.Nos.691/2, 693, 694, 695/1 and 696 of Bilakalagudur Village, Gadivemula Mandal, Kurnool District was assigned to the father of the petitioners as per the provisions of the law. But the respondent No.5 got the land transferred from their father, which is prohibited under the Act, therefore, requested to take necessary action, but a report was called for by Revenue Divisional Officer from Tahsildar and Tahsildar, in turn in Rc.B.44/2008 dated 11.02.2008 sent a report alleging that the land in dispute is assigned land in the year 1995 and transfer of the same is prohibited under the provisions of A.P.Assigned Lands (Prohibition of Transfers) Act, 1977.

The competent authority under the Act is Tahsildar, who has to take appropriate action by following the rules framed thereunder to initiate the proceedings under the law, but no steps were taken till date though two representations were submitted by the petitioners. Therefore, keeping the representations pending for such long time is an illegality. Hence, I find that it is a fit case to

direct the Tahsildar, respondent No.4 herein, to take appropriate action after following necessary procedure and after affording reasonable opportunity to the respondent No.5 and pass appropriate orders in accordance with law. Accordingly, respondent No.4 is directed to take appropriate action after following necessary procedure and after affording reasonable opportunity to the respondent No.5 and pass appropriate orders in accordance with law, within a period of three (3) months from the date of receipt of a copy of this Order.

With the above direction, the writ petition is disposed of. No costs.

The miscellaneous petitions pending, if any, shall also stand closed.

17.04.2018
Ksp



JUSTICE M. SATYANARAYANA MURTHY