

HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI

WRIT PETITION No.10872 OF 2007

ORDER:

This writ petition is filed to declare the notice, dated 01.05.2007 issued by the Mandal Revenue Officer, Musunuru Mandal, Krishna District under the provisions of Andhra Pradesh Assigned Lands (Prohibition of Transfer) Act, 1977 as illegal and arbitrary.

The brief facts of the case, so far as they are relevant for the purpose of disposal of the writ petition, are that the petitioner is the owner and in possession of the land admeasuring an extent of Acs.1.98 cents in Sy.No. 406/1 and also an extent of Ac. 1.00 in Sy.No.406/2 in Katrenipadu village, Krishna District covered by item Nos.2 and 3; the petitioner is not in possession of the land covered by item No.1 in the said notice, which is an extent of Acs. 1.00 in Sy.No.406; the petitioner is in possession of the other lands mentioned in the notice; the pattedar pass books and title deeds were issued by the Mandal Revenue Officer, Musunur in favour of the petitioner; he submitted the explanation to the show cause notice on 18.5.2007 in the office of the respondent personally and contended that

he has no jurisdiction under the Act, 9 of 1977; the Mandal Revenue Officer tried to dispossess the petitioner in the year 2007 without passing any order under Act, 9 of 1977.

The writ petition was admitted on 24.5.2007 and an interim direction was granted directing the respondent not to dispossess the petitioner from the land to an extent of Ac.1.98 cents in RS No.406/1 and an extent of Ac.1.00 in RS No.406/2 of Katrenipadu village, Musunuru Mandal, Krishna District, till the time of passing final order, in pursuance of the notice dated 1.5.2007.

Heard the learned counsel for the petitioner and the learned Government Pleader.

A detailed counter affidavit has also been filed by the Tahsildar, Musunuru Mandal, Krishna District. The counter affidavit shows that the final orders are not passed by the Mandal Revenue Officer, pursuant to the notice dated 1.5.2007.

As no orders are passed by the Tahsildar pursuant to the notice dated 1.5.2007, the Tahsildar, Krishna District is directed to pass appropriate orders, in accordance with law, as expeditiously as possible, after taking into consideration the explanation submitted by the petitioner herein. As the petitioner is in possession of the said land,

during the pendency of the writ petition, pursuant to the interim direction granted on 24.05.2007, the Mandal Revenue Officer is directed not to dispossess the petitioner till the time of passing of the final orders.

The writ petition is disposed of accordingly. No order as to costs.

Miscellaneous petitions pending if any, shall stand closed.

KONGARA VIJAYA LAKSHMI, J

Date: 11/07/2018
Slk



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