

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

WRIT PETITION No. 13811 OF 2016

ORDER:

This Writ Petition under Article 226 of the Constitution of India is filed by the petitioners to declare the action of respondent Nos. 2 to 4 in not disposing their complaint dated 21-12-2015 as illegal, irregular, against the principles of natural justice and offends Article 300-A of the Constitution of India and consequently direct respondent Nos. 2 to 4 to pass appropriate orders on complaint dated 21-12-2015 by conducting enquiry.

2. In the year 2004, the Government allotted D-Form patta lands to the petitioners and since then, they have been cultivating the said lands without any obstruction. While so, the elder brother of the petitioners by name Ramu Naidu developing grudge against the petitioners induced respondent Nos. 5 to 7 into the subject land in their absence.

3. The main contention of learned counsel for the petitioners is that when the land assigned to the petitioners is occupied by respondent Nos. 5 to 7, it is the duty of respondent Nos. 2 to 4 to take appropriate action and evict respondent Nos. 5 to 7 who are in unlawful possession and deliver the same to the petitioners. The petitioners made successive complaints on 10-09-2012, 08-10-2012, 12-11-2012 and finally on 21-12-2015 to respondent No. 2 with a request to direct respondent No. 4 to conduct inquiry and dispossess the trespassers.

4. As can be seen from the complaints made by the petitioners, there are disputes between the petitioners and their

elder brother with regard to joint family and other properties. When respondent Nos. 5 to 7 allegedly occupied or trespassed into the land of the petitioners, the remedy available to them is to approach a competent civil Court for recovery of possession since it is purely a private dispute of trespass into the land and the revenue authorities are not under obligation to dispossess the persons in unlawful possession and deliver possession of the property to the beneficiaries under the assignment. The authorities can exercise such power, only in the event of transfer of assigned lands, under Section 3 of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (for short, 'the Act'), and pass appropriate orders under Section 4 of the Act. In the case on hand, no such transfer or alienation is taken place in contravention of Section 3 of the Act. Therefore, the petitioners are entitled to recover possession only through process of the Court since the dispute is between two sets of private individuals and respondent Nos. 2 to 4 have nothing to do with the present dispute. The Writ Petition is devoid of merits and the same is liable to be dismissed.

5. The Writ Petition is accordingly dismissed. However, the petitioners are at liberty to approach competent civil Court for redressal of their grievance. Pending miscellaneous petitions if any shall stand dismissed in consequence.

M.SATYANARAYANA MURTHY, J.

27-04-2018.
JSK