

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.5448 of 2018

ORDER:

It is the case of the petitioner that he is the absolute owner and possessor of the lands in an extent of Ac.0.16 guntas in Survey No.159/1A1 and Ac.0.17 guntas in Survey No.159/A1/2 totally admeasuring Ac.0.33 guntas situated at Zaheerabad Village and Mandal, the then Medak District, presently in Sanga Reddy District, having inherited the same from his father. The said land fell to his share in an oral family partition. After the demise of his father, he was issued pattadar pass book and his name was incorporated in all the revenue records. While so, the petitioner was served with a notice dated 14.11.2017 to show cause as to why the land should not be resumed to Government for violation of provisions of Section 3 of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act. The petitioner submitted his explanation on 17.11.2017 stating that he never transferred the subject land to any third person. Later, the fourth respondent passed an order on 02.01.2018 ordering resumption of the land in favour of the Government. Challenging the same, the petitioner filed an appeal before the third respondent. When the said appeal is pending and the fourth respondent is trying to dispossess the petitioner from the subject land, the present Writ Petition is filed.

Learned Counsel for the petitioner submits that along with the appeal, the petitioner filed an application seeking stay of all further proceedings, and the third respondent neither considered the stay application nor passed any orders in the said appeal.

Since the appeal is pending before the third respondent against the order of the fourth respondent, it is in the fitness of things that *status quo* shall prevail pending disposal of the appeal. In view of the same, this Writ Petition is disposed of directing the third respondent to take up the appeal and dispose of the same in accordance with law, within a period of three months from the date of receipt of a copy of this order after hearing all the effected parties. In the meanwhile, the petitioner as well as respondent Nos.3 and 4 shall maintain *status quo* with regard to the property.

The Writ Petition is, accordingly, disposed of. The miscellaneous petitions pending in this Writ Petition, if any, shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

20.02.2018
vs