

THE HON'BLE SRI JUSTICE A. RAMALINGESWARA RAO

WRIT PETITION NO.7782 OF 2018

ORDER:

The petitioner states that he is an agriculture coolie and eaking out his livelihood by attending daily works in and around Seethanagaram Village of Jaggampeta Mandal, East Godavari district. He submitted an application to the 3rd respondent for allotment of house site for construction of a residential house and after enquiry, house site of an extent of Ac.0.02 ½ cents of land earmarked as Plot No.10 in Survey Nos.80/1 and 80/2 of Seethanagaram Village, Jaggampeta Mandal, East Godavari district was assigned to him on 3.2.2011. Thereafter, the petitioner has been in peaceful possession of the same. He constructed a thatched house and living there since April, 2011. Now, he wanted to construct an RCC building. When the construction work was in progress, he was informed that the 4th respondent affixed a notice asking the petitioner to stop construction activity.

A reading of the impugned notice of the 4th respondent would indicate that the petitioner violated the conditions of assignment and hence, his assignment was cancelled.

The petitioner states that he has not violated the conditions of assignment.

Challenging the endorsement made by the 4th respondent dated 24.2.2018, the present Writ Petition was filed.

After adjourning the matter on 9.3.2018, learned Government Pleader received written instructions admitting the assignment of the land in favour of the petitioner after cancellation of earlier assignment made in favour of another person on 17.5.2006. One G. Rajaveni filed a petition stating that she purchased the said plot under an unregistered deed from one Bhupatiraju Krishnaveni, but the assignment made in favour of Bhupatiraju Krishnaveni on 11.5.1999 was cancelled on 17.5.2006 as stated above. A local enquiry revealed that the petitioner did not occupy the site and the notice sent to the petitioner was rejected. When the matter was reported to the Revenue Divisional Officer, Peddapuram, he issued an order on 20.2.2018 to take further action for resumption of the land. Accordingly, assignment was cancelled.

Though the Tahsildar states that he is the competent authority to resume the land according to Section 4(1)(3) of AP Assigned Lands (PoT) Act, 1977, no notice appears to have been given to the petitioner and now it is stated that the notice issued to the petitioner was rejected by the petitioner himself. However, since there is a provision for appeal, this Court is not going into the merits of the case, but gives liberty to the

petitioner to file an appeal against the impugned order to the competent authority. In view of the said liberty, there shall be status-quo with regard to the possession for a period of thirty days from the date of receipt of a copy of this order and if any such appeal is preferred within the said period of 30 days from the date of receipt of a copy of this order, it is open to the respondents to take appropriate action in accordance with law.

Writ Petition is disposed of.

Pending miscellaneous petitions, if any, shall stand closed. No order as to costs.

Date: 16.3.2018

Issue CC in 3 days
BO
KPM

A. RAMALINGESWARA RAO,J

