

**THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
AND
THE HON'BLE SMT JUSTICE KONGARA VIJAYA LAKSHMI**

Writ Appeal Nos.464 & 469 of 2018

COMMON JUDGMENT: {Per the Hon'ble the Acting Chief Justice Ramesh Ranganathan}

These two appeals, under Clause 15 of the Letters Patent, are preferred against the common order passed by the Learned Single Judge in W.P.Nos.15789 and 15915 of 2017 dated 27.02.2018, recording the submission of the learned Government Pleader that the subject lands were not resumed for the public purpose of the double bed room scheme even though these lands were sold violating the provisions of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (for short "the Act").

Ms.K.V.Rajasree, learned counsel for the appellants-writ petitioners, would submit that, since the appellants-writ petitioners are in possession of the subject lands which were assigned to their great-grand-father, they cannot be dispossessed therefrom except in accordance with the provisions of the Act and the Rules made thereunder.

On the other hand, the learned Government Pleader for Revenue would submit that the lands assigned in favour of the assignees, which is the subject matter of W.P.No.15789 of 2017, are not being resumed by the Government for a public purpose; and even if the assignees are found to have violated the provisions of the Act, or the conditions of assignment, action would be taken against them in accordance with law, after putting them on notice and after giving them an opportunity of being heard.

With regards the lands, which are the subject matter of W.P.No.15915 of 2017, the learned Government Pleader for Revenue

would submit that these lands were alienated by the original assignee in favour of Smt.Muddasani Kamala against whom an order of resumption was passed on 16.04.2005; questioning the said resumption order, she filed W.P.No.27904 of 2012; and this Court had, by order in WPMP.No.35558 of 2012 in W.P.No.27904 of 2012 dated 07.09.2012, granted interim suspension of the order of resumption passed by the Tahsildar, Choppadandi Mandal dated 16.04.2005.

It is wholly unnecessary for us to examine the question whether or not the appellants herein are in possession of the subject lands, since it is not in dispute that these lands are assigned lands. Suffice it to make it clear that, in case the subject lands are required for a public purpose, these lands shall be resumed, strictly in accordance with law, on paying the assignees compensation which they are entitled to in terms of the law declared by a Larger Bench of this Court in **Land Acquisition Officer-cum-Revenue Divisional Officer vs. Mekala Pandu and others**¹.

If, on the other hand, the conditions of assignment are found to have been violated, it would then be open to the officials concerned to take action, for cancellation of the assignment, strictly in accordance with the provisions of the Act, and the Rules made thereunder. In so far as the appellants-writ petitioners in W.A.No.469 of 2018 are concerned, since it is the case of the respondent officials that the very same lands were alienated by the original assignee in favour of Smt. Muddasani Kamala who invoked the jurisdiction of this Court by filing W.P.No.27904 of 2012 and the interim order, which was passed therein, is still in force, suffice it to make it clear that the

¹ AIR 2004 AP 250

respondents can take necessary action only after the interim order, passed in WPMP.No.35558 of 2012 in W.P.No.27904 of 2012 dated 07.09.2012, is vacated.

Both the Writ Appeals are, accordingly, disposed of. Miscellaneous petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

(RAMESH RANGANATHAN, ACJ)

(KONGARA VIJAYA LAKSHMI, J)

19th March, 2018
JSU



**THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN
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Date: 19.03.2018

JSU