

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.9004 OF 2018

Dated:20.03.2018

Between:

Gunda Ranga Rao, S/o. Late Rama Rao,
Age 50 years, Occ: Cultivation,
R/o.Kalla Village & Mandal,
West Godavari District

.. Petitioner

And

The State of Andhra Pradesh, rep., by
its Principal Secretary, Department of
Revenue, Secretariat, Velagapudi,
Guntur District and others

.. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO**WRIT PETITION No.9004 OF 2018****ORDER:**

Heard learned counsel for the petitioner and learned Government Pleader for Revenue appearing for respondents 1 to 4.

2. Petitioner alleges that his mother was assigned land to an extent of Acs.5.00 in Revenue Survey Nos.2022/2 and 2023/1 of Losarigutlapadu Village, Bheemavaram Mandal, West Godavari District, in the year 1972. According to him, his mother died on 22.07.1976. Petitioner states that one Smt. Suryakantam claimed to have purchased the subject property vide sale deed dated 04.06.1977 and the unofficial respondents claim as her successors. Petitioner submits that as the assignment is governed by the provisions of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (for short, 'the Act'), no alienation of land can be made by assignee and therefore the alleged assignment made by the mother of the petitioner is void in terms of Section 3 of the Act. According to petitioner, his mother died on 22.07.1976, much prior to the alleged sale deed dated 04.06.1977 and therefore the sale itself is void as there could not have been sale deed by a dead person.

3. The material on record would disclose that petitioner kept quiet for long time. He seemed to have made similar attempt in the year 1996 and in the year 1998, he filed W.P.No.1075 of 1998 aggrieved by rejection of his request to restore possession by asking him to approach the civil Court for redressal of grievance. This Court by order dated 23.12.2002 set aside the order and

directed the respondent authorities to conduct enquiry in accordance with the provisions of the Act. Alleging inaction on the said directions, petitioner woke up after 15 years of the order dated 23.12.2002 and filed this Writ Petition to declare the action of the respondent authorities in not initiating the proceedings for eviction of the unofficial respondents in accordance with the provisions of the Act as illegal and arbitrary.

4. Admittedly, the pleadings on record would disclose that petitioner is not in possession of the subject property. Moreover, no material is placed on record to show that his mother died before the date of execution of sale deed. Though the Act prohibits sale of assigned land, an exception is carved out in Section 3(5) of the Act. According to this provision, if an assigned land was purchased by a landless poor person in good faith and for valuable consideration, the same can be validated.

5. Having regard to the provision in Section 3(5) of the Act, learned counsel for the petitioner was requested to clarify as to whether Smt. Suryakantam was a landless poor person. However, learned counsel is not able to clarify this aspect. There are no pleadings in the affidavit on the scope of Section 3(5) of the Act and whether Smt. Suryakantam was not a landless poor person.

6. Having regard to the fact that the alleged sale transaction took place in the year 1977; petitioner is not in possession of the subject land for the last more than 30 years; and when there is no clarity as to whether purchaser of property can avail protection under Section 3(5) of the Act, the Court is not inclined to entertain the Writ Petition and the same is liable to be dismissed on the

ground of delay and laches in prosecuting the issue. The Writ Petition is accordingly dismissed. There shall be no order as to costs.

Miscellaneous Petitions, if any, filed in this Writ Petition shall stand closed.

P. NAVEEN RAO, J

Date:20.03.2018

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