

HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.16137 of 2018

Dated: 01.05.2018

Between:

Koruprolu Raju Babu, S/o. Peda Kannalu Naidu,
Aged about 70 years, Cultivation, R/o. G.Kothuru Village,
H/o. Golugonda Mandal, Visakhapatnam District.

...Petitioner

AND

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

.. Respondents



The Court made the following:

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ORDER:

Petitioner alleges that he is in possession and enjoyment of land to an extent of Ac.0.27 cents, Ac.0.13 cents and Ac.0.16 cents in Sy.Nos.13/7, 13/8 and 13/10, respectively, of G.Kothuru village, H/o. Gundupala village, Golugonda Mandal, Visakhapatnam. While so, the Tahsildar (5th respondent) issued notice on 27.05.2017 under Rule 3 of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Rules, 2017 (Rules 2017) directing the petitioner to show cause as to why he should not be evicted from the assigned land having acquired the land in contravention of provisions of sub-section (2) of Section 3 of the A.P.Assigned Land (Prohibition of Transfers) Act, 1977. In response to the said notice, petitioner stated to have submitted his explanation to the Tahsildar on 12.6.2017. The Tahsildar, without examining the facts submitted by petitioner, passed orders on 18.07.2017. Aggrieved thereby, petitioner preferred appeal before the Revenue Divisional Officer. While pending appeal before the Revenue Divisional Officer, petitioner earlier filed W.P.No.30208 of 2017 challenging the order of Tahsildar. This Court, by order dated 11.09.2017, disposed of the said writ petition. This Court held as under:

“As the appellate authority has already received stay application along with appeal, it shall consider the stay application and pass appropriate orders on the claim of the petitioner for grant of stay of the orders passed by the Tahsildar and till stay application is considered and appropriate orders are passed in due compliance of the statutory requirements, petitioners shall not be dispossessed from the subject land. It is open to the petitioner to work out his remedies as available under law, if no favourable orders are passed by the Revenue Divisional Officer on his stay application.”

2. Learned counsel for petitioner contends that even the appellate authority, without considering the documentary evidence produced by petitioner, has rejected the appeal and directed the Tahsildar to take possession of subject land. Aggrieved by the said order, petitioner preferred further appeal before the Joint-Collector (3rd respondent) along with stay petition. Learned counsel further submits that subject land was assigned to the original assignee on payment of market value without any condition of non-alienation and there is no tank existing on the land as alleged by the respondents. While appeal is pending, respondents 2 to 5 are taking steps to evict the petitioner highhandedly from the land contrary to the provisions contained in the Act, 1977. Hence, the writ petition.

3. Heard learned counsel for petitioner and learned Government Pleader for Revenue (AP) for respondents.

4. Since the appeal is pending before the Joint Collector and having regard to the submissions made, without expressing any opinion on merits, Writ Petition is disposed of directing the appellate authority to dispose of the appeal preferred by the petitioner as expeditiously as possible, preferably within a period of three months from the date of receipt of copy of this order. Till the orders are passed in the appeal, petitioner shall not be dispossessed from the subject land.

Pending miscellaneous petitions shall stand closed. There shall be no order as to costs.

JUSTICE P.NAVEEN RAO

Date: 01.05.2018
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