

HON'BLE SMT. JUSTICE KONGARA VIJAYA LAKSHMI

WRIT PETITION No.4719 of 2006

ORDER:

This writ petition is filed to declare the action of the first respondent in not regularizing the land admeasuring Acs.3.00 in Sy.No.233/E situated at Nizampet Village, Quthubullapur Mandal, Ranga Reddy District *vide* letter No.39308/Assn.V(1)/ 2004-3, dated 13.10.2005, as illegal and arbitrary.

According to the affidavit filed along with the writ petition, the petitioner purchased the said through a registered sale deed, dated 17.02.1989 for valid consideration from Mangali Balaiah and others; one Smt. Prabhavathi had purchased the land admeasuring Ac.1.10 gts., through registered document No.2800/1989, dated 9.3.1989 from Mangali Balaiah and others and the petitioner and the said Prabhavathi have been in possession and enjoyment of the said land since the date of their purchase and their names have been recorded in Pahanis of the year 2000-01 of Nizampet village in respect of the land in Sy.No.233/E, admeasuring Acs. 4.10 gts.; while the matter stood thus, the Mandal Revenue Officer issued notice under Rule 3

of the Assigned Lands (Prohibition of Transfer) Act, 1977; the petitioner submitted a reply to the said notice stating that he is a *bona fide* purchaser of the said land for valid consideration and he has filed an application seeking regularization of the land. It is also stated that the Chief Commissioner of Land Administration also recommended the case to the Collector to regularize the lands on payment of market value, as was done in the case of similarly situated persons, *vide* G.O.Ms.No.645 Revenue (Assignments. V) Department dated 20.8.1999. The said request was rejected by the Government *vide* Memo dated 22.02.2005.

None appeared for the petitioner. Heard the learned Assistant Government Pleader for Revenue.

It is contended by the learned Assistant Government Pleader that instead of challenging the Government Memo dated 22.02.2005 rejecting the request for regularization of the land of the petitioner, the petitioner challenged the letter issued by the Government, dated 13.10.2005. As seen from the impugned order, it is clear that the said land is an assigned land under the provisions of Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977. The petitioner purchased the said land in the year 1989.

According to him, he is a *bona fide* purchaser of the land for valid consideration.

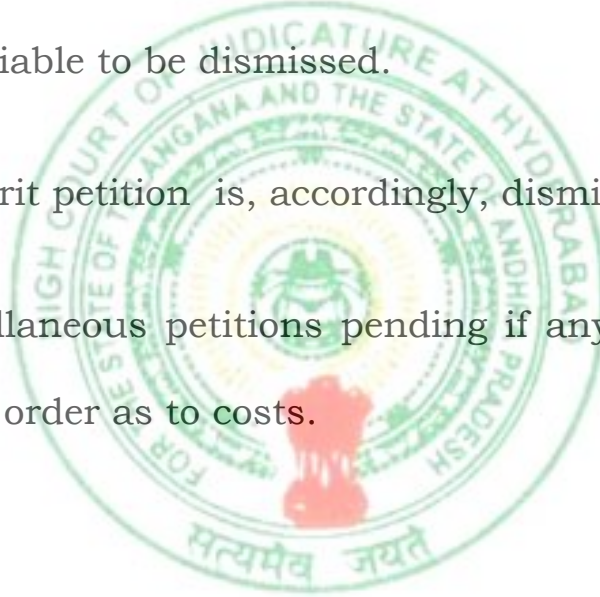
According to Section-3(5) of Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977, the assigned lands, which were purchased by the landless poor person in good faith for valuable consideration from the original assignee or his transferee prior to the commencement of this Act is saved from the application of the Act. Admittedly, the petitioner purchased the said land subsequent to the Act and hence, his transaction is not saved under the Act. The second contention in the affidavit filed along with the writ petition is that, his case is similarly situated as that of the persons in G.O.Ms.No.645 Revenue (Assignments.V) Department dated 20.8.1999. In that G.O., the petitioners therein purchased the land in the year 1975 after being paid considerable amount through a registered sale deed and the said land was assigned under Laoni Rules, 1950. It was also stated in that case mentioned in the said G.O., that according to Rule 9 (g) of the Laoni Rules, 1950, it is for the Tahsildar concerned to decide to dispose of the land by auction and the original assignees therein purchased the said land after payment of auction amount and as such, they got right to sell the land to

the petitioners therein. In those circumstances, the regularization proceedings were issued in favour of the persons under the said G.O. The facts of the said G.O., are totally different and are not similar to the case of the petitioner, as the said land is the assigned land and the same cannot be regularized. The said land is also not saved under Section 3(5) of the said Act, as the petitioner purchased the said land in the year 1989.

There are no merits in the writ petition and the writ petition is liable to be dismissed.

The writ petition is, accordingly, dismissed.

Miscellaneous petitions pending if any, shall stand closed. No order as to costs.



KONGARA VIJAYA LAKSHMI, J

Date: 23/7/2018

Slk

HON'BLE SMT. JUSTICE KONGARA VIJAYA LAKSHMI



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Dated: 23-7-2018

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