

**THE HON'BLE SRI JUSTICE S.V.BHATT**

WRIT PETITION NO.19050 OF 2018

**ORDER:**

Heard Mr. G.Simhadri for petitioner and the learned Assistant Government Pleader for respondents.

The Assistant Government Pleader has made available the record from the office of fourth respondent. By referring to record, he makes a submission that the agricultural land in an extent of Ac.0.51 cents in Survey no.102/12/B of Chintalapalli Village, Razole Mandal, East Godavari District is for the present kept fallow and not enjoyed by sixth respondent or agent of sixth respondent. The statement is placed on record and accepted.

The petitioner challenges the order of resumption in Ref.A/42/2014 dated 20.02.2014 passed by fourth respondent under A.P. Assigned Lands (Prohibition of Transfers) Act, 1977, as illegal, violative of principles of natural justice and unconstitutional. The order of resumption was passed against the mother of petitioner. The petitioner, on 31.07.2016, requested for restoration of assigned land to her and request is replied through endorsement dated 20.03.2017 by observing as follows.

“In this regard, the applicant is hereby informed that as per the section 4A(1) of the A.P. Assigned Lands (POT) Act, 1977 the Appellate Authority is the Revenue Divisional Officer, Amalapuram and the applicant has to file an appeal before the RDO, Amalapuram within 90 days from the receipt of the order issued by the Tahsildar, Razole.”

After taking note of the grounds of challenge against the order dated 20.02.2014 namely that the procedure stipulated by the rules are not followed and the basic fact namely the transfer of

assigned land is not established, this Court, to meet the ends of justice and also enable the appellate authority to consider the discretion conferred on the authorities by the Act, disposes of the Writ Petition by this order.

The petitioner is given liberty to file an appeal by referring to the memorandum of appeal dated 31.07.2016 and the endorsement dated 20.03.2017 within four (4) weeks from today. The petitioner is given liberty to file application for condonation of delay by setting out the totality of circumstances which contributed to the delay in filing the appeal. On such appeal/application being filed, the appeal/application is considered in accordance with law and disposed of, as expeditiously as possible, preferably within three (3) months from the date of receipt of the appeal. During pendency of the appeal, the subject matter of the appeal is kept in tact without creating third party interest by respondents.

Accordingly, the Writ Petition is disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

---

**(S.V.BHATT, J)**

25<sup>th</sup> June 2018  
RRB