

**THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM**

**WRIT PETITION No. 11804 of 2017**

**ORDER :**

Proceedings dated 30.11.2015 of the 3<sup>rd</sup> respondent Tahsildar, Peddapuram Mandal under Section 4(1)(b) of the A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 (Act 9 of 1977) which seeks to resume the land in an extent of Ac.4.00 in Survey No.897/3B of Peddapuram Village in favour of the Village Revenue Officer, is challenged in this Writ Petition.

Petitioner claims to be in possession and enjoyment of Ac.0.49 cents in Survey No. 897/3B, Peddapuram Village, by way of patta. Originally, the land in an extent of Ac.15.00 was surrendered by one Sri Gopala Krishna Ranganatha Prasad in Land Ceiling proceedings and that the government distributed the said land to 30 landless poor measuring Ac.0.50 cents each in 1975.

While things stood thus, the revenue officials inspected the subject land and started taking measurements. On inquiries, the petitioners came to know that the revenue authorities wanted to give the land, on lease, to third parties. Subsequently, on 30.11.2015, the impugned proceedings were issued stating that out of Ac.15.00 of land, Ac.11.00 was already resumed in 2011 from the beneficiaries and thereafter, on the Application of the 4<sup>th</sup> respondent, the 2<sup>nd</sup> respondent personally visited the land and found that the assignees were not cultivating the land allotted to them and as such, the petitioners and others had violated the conditions of patta as well as the provisions of the Act. The grievance of the petitioners is that they were not issued any notice

before issuing the impugned proceedings and on further inquiry, they were informed that notices were affixed to a stick at the site.

Learned counsel for the petitioners submits that the impugned proceedings were issued in utter violation of the principles of natural justice. It is his further contention that the petitioners intend to cultivate the land.

Learned Government Pleader for Revenue, placed on record the written instructions received from the Tahsildar, and would submit that no permission for quarrying operations was given in favour of anybody. It is further submitted that on the instructions of the District Collector *vide* letter dated 11.03.2017, quarrying was permitted for levelling the assigned lands to make it fit for cultivation and that no quarrying operations would be allowed beyond ground level. It is further submitted that necessary action would be taken to redeliver the land to the original assignees after completing enquiry and withdrawing the order issued *vide* proceedings dated 30.11.2015.

In the light of the written instructions, as the respondents themselves have agreed to withdraw the proceedings, the Writ Petition is closed with an observation that the 3<sup>rd</sup> respondent Tahsildar shall forthwith issue the order withdrawing the proceedings dated 30.11.2015 and communicate the same to the petitioners, through Registered Post acknowledgment due. No costs.

Consequently, the miscellaneous Applications, if any shall also stand closed.

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**CHALLA KODANDA RAM, J**

03<sup>rd</sup> January 2018

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