

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 29491 of 2018

ORDER:

The present writ petition came to be filed seeking to declare the action of the 6th respondent in interfering with the possession of the petitioners' fish tank lands, admeasuring Ac.13.07 cents in R.S.No. 159/ 2, 160/ 2 and 161/ 2 situated at Snganapudi Village, Mandavalli Mandal, Krishna District, as illegal, arbitrary and unconstitutional.

2. The learned counsel for the petitioners would submit that the petitioners are not parties to the impugned order issued by the Tahsildar, and that the said order came to be passed behind their back, though they are in possession of the schedule property.

3. The learned counsel for the 2nd respondent would submit that since one Madapati Krishna Prasad was in possession of the schedule property, notice was given to him before passing the impugned order.

4. The learned Government Pleader for Revenue would submit that the impugned order clearly indicates that an appeal lies to the Revenue Divisional Officer, within a period of 90 days from the date of service of the order passed under Section 4(A) of the A.P. Assigned Lands (Prohibition of Transfers) Act, 1977.

5. Since the statute provides for a remedy of filing an appeal within 90 days from the date of the order, and since the said period of 90 days has not yet lapsed, the petitioners shall prefer an appeal against the impugned proceedings, in accordance with the provisions of the Section 4(A) of the A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 and obtain necessary orders from the appellate authority.

6. Having regard to the facts and circumstances of the case, the present writ petition is disposed of with consent, at the admission stage, directing the petitioners to file an appeal, along with an application seeking interim orders against the impugned proceedings, under Section 4(A) of the A.P. Assigned Lands (Prohibition of Transfers) Act, 1977, and thereafter, the appellate authority shall pass appropriate orders in the stay application, in accordance with law, as early as possible, preferably, within a period of four weeks from today. Status quo as on today shall be maintained till then. There shall be no order as to costs. Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

23.08.2018
DMG