

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

and

The Hon'ble Sri Justice D.V.S.S.Somayajulu

AS.No.981 of 2016

Dated 11.04.2018

Between:

Darisa Pullaiah and 7 others

... Appellants

and

The State of Andhra Pradesh
Rep. by its District Collector
YSR District and 2 others

...Respondents

Counsel for the Appellants:

**Mr.KG.Krishna Murthy
for Mr.K.Rama Mohan**

Counsel for the respondents:

**Mr.K.A.Narasimham
Spl.GP**

The Court made the following:



Judgment: (per Hon'ble Sri Justice C.V.Nagarjuna Reddy)

Feeling aggrieved by Judgment, dated 15-06-2016, in OS.No.141 of 2014 on the file of the Principal District Judge, Kadapa, dismissing the said suit, the plaintiffs therein filed this Appeal.

We have heard Mr.K.G.Krishna Murthy, learned Senior Counsel appearing for Mr.K.Ramamohan, learned Counsel for the appellants, and Mr.K.A.Narasimham, learned Special Government Pleader attached to the office of the learned Advocate-General for the State of Andhra Pradesh.

The main issue in the suit before the lower Court was, whether the suit lands are Government Assigned lands or private patta lands.

The learned Senior Counsel submitted that in the light of the fact that the appellants have been in possession of the suit lands for a period of 12 years, which is prescribed as the eligibility criteria for claiming rights over a land under the recent statutory enactment *viz.*, the Andhra Pradesh Dotted Lands (Updation in Re-settlement Register) Act, 2017 (for

short 'the Act'), they may be relegated to the authority under the Act and the authority concerned may be directed to consider and dispose of the claim of the appellants without being guided or influenced by the findings rendered by the lower Court in OS.No.141 of 2014.

The learned Special Government Pleader, while, in principle, not opposing this request, however, submitted that after this Appeal was adjourned on the last occasion *i.e.*, on 28.03.2018, the respondents were able to trace out certain documents, which included the assignments made in respect of the suit lands. He, however, fairly submitted that the District Level Committee constituted under Section 5 of the Act will dispassionately consider the claim of the appellants with reference to the documents produced by them and also those available on record and dispose of the same.

In the light of the consensus reached between the parties, the Appeal is disposed of, without adjudicating the same on merits, in the following terms:

1. Within one month from today, the appellants shall file their claim before the District Level Committee under the provisions of the Act along with the documentary evidence

in support of their claim that the lands claimed by them are not the Government or assigned lands.

2. The District Level Committee shall adjudicate the claim of the appellants without being guided or influenced by the findings in Judgment, dated 15.06.2016, in OS.No.141 of 2014 on the file of the Principal District Court, Kadapa.

3. The District Level Committee shall furnish the extracts of the relevant record/copies of documents on which they propose to rely against the appellants and permit them to engage a legal Counsel to put forth their case before the Committee.

4. After giving the due opportunity of being heard to the appellants/their legal Counsel, the District Level Committee shall pass a reasoned order and communicate the same to the appellants. Till this process is completed, the parties shall maintain *status quo* prevailing as on today in all respects.

As a sequel, IA.No.1 of 2016 (ASMP.No.2268 of 2016) and IA.No.1 of 2018 are disposed of.

(C.V.Nagarjuna Reddy, J)

(D.V.S.S.Somayajulu, J)

Date: 11-04-2018
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