

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.42130 of 2017

ORDER:

Heard learned counsel for the petitioner and the learned Government Pleader for Revenue appearing for the respondents.

2. It is the case of the petitioner that her family possessed excess land under the provisions of A.P Land Reforms Act, 1973 (for short, 'the Act'). The land in Survey No.28 of Jampapuram Village, Kosigi Mandal, Kurnool District, is an extent of Ac.15.63 cents. Out of total extent, the land to an extent of Ac.7.82 cents in the said survey number was declared as surplus land. Thereafter, the survey number was sub-divided as Survey Nos.28 A1 consisting of Ac.7.77 cents and 28 A2 consisting of Ac.7.82 cents. The land to an extent of Ac.7.82 situated in Survey No.28 A2 was surrendered under the provisions of the Act, while retaining the land to an extent of Ac.7.77 cents situated in Survey No.28 A1. The Tahsildar issued pattadar passbooks and title deeds in her favour. The name of the petitioner was also entered in Column No.12 by holding it as acquired 'by succession'. Thus, the petitioner is the absolute owner of land to an extent of Ac.7.77 cents in Survey No.28 A1 of Jampapuram Village, Kosigi Mandal, Kurnool District. When the petitioner tried to dispose of the said land, she was informed by the fifth respondent that the land was included in the prohibited properties communicated by the second respondent by his letter, dated 22.01.2015. Thereafter, the petitioner submitted a representation to the second respondent on 02.02.2015 for deletion of said land and the second respondent called for report from the third respondent on 29.09.2015 for considering the case of the petitioner. When no action was taken thereafter, the present Writ Petition is filed.

3. Learned counsel for the petitioner submits that there cannot be any dispute with regard to the land held by the petitioner in Survey No.28 A1 to an extent of Ac.7.77 cents and alienation of said land cannot be denied by the fifth respondent as the list of prohibited properties contained only the extent of Ac.7.82 cents, which was already surrendered pursuant to the provisions of the Act. Probably, the fifth respondent is under misconception, thinking that the remaining land of Ac.7.77 cents comes under Ac.7.82 cents only as broad Survey No.28 was indicated in the list of prohibited properties without mentioning any sub-division number.

4. Since the representation of the petitioner is pending consideration before the second respondent, this Court is not inclined to give any finding on the plea of the petitioner, but directs the second respondent to pass appropriate orders in the light of above facts for clarifying the status of the land to an extent of Ac.7.77 cents held by the petitioner in Survey No.28 A1 of Jampapuram Village, Kosigi Mandal, Kurnool District, within a period of eight (8) weeks from the date of receipt of a copy of this order.

5. The Writ Petition is, accordingly, disposed of. Miscellaneous petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.

A.RAMALINGESWARA RAO, J

JANUARY 29, 2018

Note:
Issue C.C in one week.
(B/o)
YVL

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Date: 29.01.2018

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