

**THE HONOURABLE SRI JUSTICE J. SREENIVAS RAO**

**+ WRIT PETITION No.14371 OF 2009**

% Dated 06.02.2024

# Smt. Putta Janakamma  
(Now Ragireddy Janakamma)  
W/o.Goverdhan Reddy, Aged: 46 years,  
R/o.Miryalguda, Nalgonda District.

....Petitioner

VERSUS

\$ The District Collector,  
Nalgonda District, Nalgonda  
and two others.

... Respondents

! Counsel for Petitioners : Mr.S.Lakshma Reddy

^ Counsel for Respondents : GP for Assignment

< GIST:

> HEAD NOTE:

? CITATIONS:

1. 2010 (1) ALD SC 1
2. 2010 (9) SCC 496

**THE HONOURABLE SRI JUSTICE J.SREENIVAS RAO**  
**WRIT PETITION No.14371 of 2009**

**ORDER:**

This writ petition is filed seeking the following relief:

“...to issue a Writ, Order or Direction particularly one in the nature of Writ of Certiorari calling for the records relating to the impugned proceedings passed in Appeal No.1763/2008 by the 2<sup>nd</sup> Respondent dated 11.2.2009 (Communicated on 8.7.2009) confirming the orders of the 3<sup>rd</sup> respondent dated 9.6.2008 for eviction and resumption of petitioner’s land to an extent of 5.00 acres in Sy.No.621 at Miryalguda, Nalgonda District under the provisions of A.P. Assigned Lands (POT) Act 1977 as totally illegal, without jurisdiction and in gross violation of principles of natural justice and in violative of Articles 14, 21 and 300-A of Constitution of India...”

2. Heard Sri A.Suresh, learned counsel, representing Sri S.Lakshma Reddy, learned counsel for the petitioner, and learned Assistant Government Pleader for Assignment (Revenue) appearing on behalf of the respondents.

3. Learned counsel for the petitioner submits that the brother of the petitioner namely Putta Biksha Reddy is owner and possessor of agricultural land to an extent of Ac.5.00 gts. covered by Survey No.621 situated at Miryalguda, Nalgonda District, and the same was purchased through registered sale deeds, vide document bearing Nos.1511 and 1512 of 1981 from Bantu Rama Swamy and Nakka Saidulu respectively by paying valuable sale consideration. Thereafter, the said land was given to the petitioner as a gift towards ‘pasumpu kumkuma’ and since

then the petitioner has been in possession of the subject property and her name was mutated in the revenue records and pattadar passbook and title deed were issued in her favour. While things stood thus, the then Mandal Revenue Officer, Miryalguda, initiated the proceedings exercising the powers conferred under the provisions of the A.P. Assigned Lands (Prohibition and Transfers) Act, 1977 (for short, 'the Act') alleging that the original assignees have violated patta conditions and alienated the subject property. Pursuant to the Form-I notice, the petitioner submitted detailed explanation requesting to drop the proceedings. The then Mandal Revenue Officer, Miryalguda, after conducting detailed enquiry and also after taking into consideration the judgment passed in W.P.No.716 of 1989 dated 27.01.1986 dropped the proceeding *vide* No.C/15779/98 dated 18.03.1999 and the said proceeding has become final.

4. He further submits that while things stood thus, respondent No.3, without giving any notice and opportunity to the petitioner, passed resumption order dated 09.06.2008. Questioning the same, the petitioner filed appeal exercising the powers conferred under Section 4-A of the Act before respondent No.2. Respondent No.2, without considering the contentions raised by the petitioner, dismissed the appeal by its order dated 11.02.2009. The impugned order passed by

respondent No.2, confirming the order of respondent No.3, is contrary to the provisions of the Act as well as contrary to the orders passed by the then Tahasildar dated 18.03.1999 and also it operates principles of *res judicata*.

5. *Per contra*, learned Assistant Government Pleader contended that the subject land is a government assigned land and the same is heritable only, not alienable. Respondent No.3 rightly initiated the proceedings for violation of assignment patta conditions and passed the resumption order and the same was confirmed by respondent No.2 and the petitioner without availing the remedy of revision as available under Section 4-B of the Act, straight away approached this Court and filed writ petition and the same is not maintainable under law.

6. Having considered the rival submissions made by the respective parties and after perusal of the material available on record, it reveals that the petitioner is claiming the rights over the subject property basing upon the gift settlement executed by her brother namely Putta Biksha Reddy towards "Pasupu Kumkuma" at the time of her marriage. It further reveals from the record that Putta Biksha Reddy had purchased the subject property through registered sale deeds *vide* document Nos.1511 of 1981 and 1512 of 1981 from Bantu Rama Swamy and Nakka Saidulu respectively by paying valuable sale

consideration. The name of the petitioner was mutated in the revenue records, pattadar passbook and title deed were issued. Originally, Bantu Rama Swamy and Nakka Saidulu were granted assignment pattas in the year 1974. It is also revealed from the record that after expiry of more than 17 years, the then Mandal Revenue Officer, Miryalguda, initiated the proceedings invoking the provisions of the Act and issued Form-I notice to the petitioner, dated 05.11.1998. Pursuant to the same, the petitioner has submitted detailed explanation on 05.12.1998 and 05.01.1999. The then Mandal Revenue Officer, after considering the explanation submitted by the petitioner and also after following the principle laid down by this Court in W.P.No.716 of 1989 dated 27.01.1986, passed order, dated 18.03.1999, by giving cogent reasons and dropped the proceedings and the said order has become final.

7. It is relevant to mention here that after lapse of nearly nine years, respondent No.3 initiated proceedings on the very same grounds and passed resumption order dated 09.06.2008, even without issuing any notice and opportunity to the petitioner. Unless and until the said resumption order was modified or reviewed or set aside by the appellate authority, respondent No.3 is not having jurisdiction or authority to initiate the proceedings afresh on the very same grounds. Hence, the

order passed by respondent No.3 is without jurisdiction and operates the principle of *res judicata*.

8. The Hon'ble Apex Court in **Allwyn Housing Colony Welfare Association v. Government of Andhra Pradesh and others**<sup>1</sup>, held that no order adverse to a party should be passed without hearing them.

9. It is further relevant to mention here that aggrieved by the resumption order dated 09.06.2008, the petitioner filed appeal before respondent No.2 by raising several grounds including that the resumption order passed by respondent No.3 dated 09.06.2008 is without jurisdiction and contrary to the earlier order passed by the then Mandal Revenue Officer dated 18.03.1999. Respondent No.2, without considering the same, simply dismissed the appeal and passed a cryptic order.

10. The Hon'ble Apex Court in **Kranthi Associates v. Masood Ahmed Khan**<sup>2</sup>, specifically held that quasi judicial authority while exercising appellate powers ought to have considered the grounds of appeal and give reasons. In the case on hand, respondent No.2, without giving any reasons in respect of grounds raised in the statutory

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<sup>1</sup> 2010 (1) ALD SC 1

<sup>2</sup> 2010 (9) SCC 496

appeal, passed cryptic order.

11. For the foregoing reasons and precedent decisions, the impugned order passed by respondent No.2 dated 11.02.2009, confirming the order passed by respondent No.3 dated 09.06.2008, are liable to be set aside, accordingly, set aside.

12. The writ petition is allowed without costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

Date: 06.02.2024

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**J. SREENIVAS RAO, J**