

**HON'BLE SRI ANIL R. DAVE, THE CHIEF JUSTICE**  
**and**  
**HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY**

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Dated: 04-12-2009

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**WRIT APPEAL No. 1403 OF 2009**

Between:

Gaddam (Mala) Chinna Yerranna (died), S/o. Sanjanna, aged 41  
years, r/o. Krishtipadu Village of Dornipadu Mandal, Kurnool District  
and 22 others

**... APPELLANTS**

AND

The District Collector, Kurnool, Kurnool District and four others

**... RESPONDENTS**

**THE HON'BLE THE CHIEF JUSTICE SRI ANIL R. DAVE**  
**AND**  
**THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY**

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**WRIT APPEAL No. 1403 OF 2009**

**JUDGMENT:** (per Sri C.V. Nagarjuna Reddy, J)

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This writ appeal is filed against order dated 09-04-2009 in Writ Petition No. 11289 of 2008, whereby the learned single Judge dismissed the writ petition filed by the appellants.

Heard the learned counsel for the parties and perused the record.

A part of the surplus land under the provisions of the Andhra Pradesh Land Reforms (Ceiling on Agricultural Holdings) Act, 1973 (for short, 'the Act') in respect of a person by name Subba Reddy was allotted to the appellants under the rules framed under the Act. Aggrieved by the orders passed by the Land Reforms Tribunal, the widow of the declarant filed appeal and eventually, she succeeded partly before the appellate authority as a result of which some extent of land including the lands allotted to the appellants were required to be returned to the family of the declarant. In that process, an order of resumption was passed against the appellants. The appellants filed an appeal which was dismissed by the appellate authority. The revision petition filed by them also resulted in its dismissal. Thereafter, an order was passed by the competent authority directing the appellants to surrender the land. Questioning the said order, the appellants filed Writ Petition No. 11289 of 2008, which was dismissed by the learned single Judge. Assailing the said order, the appellants

filed the present writ appeal.

As held by the learned single Judge, once the family of the declarant was held entitled to the return of the land, the appellants being allottees have no right to resist such action. However, in order to protect the interests of the appellants, the learned single Judge directed that the appellants may be considered for allotment of alternative lands.

Having carefully considered the order of the learned single Judge, we do not find any reason to interfere with the same. The appeal is therefore dismissed.

As a sequel to dismissal of the appeal, WAMP No. 2918 of 2009, filed by the appellants for interim relief, is also dismissed.

**ANIL R. DAVE, CJ**

**C.V. NAGARJUNA REDDY, J**

04-12-2009

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