

THE HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

WRIT PETITION No.34563 OF 2015

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ORDER:

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

The petitioner questions the notice in Rc.A.1798/2015, dated 14.07.2015, issued under Form-II of Rule 3 of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Rules, 2007, on the ground that already a certificate in Dis.No.108/2004, dated 22.03.2004, was issued in his favour by the Mandal Revenue Officer, Gannavaram, the 4th respondent. The petitioner also placed reliance on the order, dated 08.04.2008, of the Revenue Divisional Officer, Nuzvid, the 3rd respondent, directing the 4th respondent to consider the application of the petitioner for grant of D Patta and passbooks and title deeds on par with other below poverty line cases.

Even accepting the contentions of the learned counsel for the petitioner, I am unable to see as to how a mandamus as sought for can be issued against the impugned notice, as the 4th respondent had jurisdiction to issue notice and conduct enquiry. However, if the petitioner has not submitted any explanation so far and the proceedings initiated by the said notice are pending, it is open for the petitioner to submit a detailed explanation placing reliance on the aforesaid document as well and request the 4th respondent to examine the said contention before taking any further action.

In view of the same, the Writ Petition is disposed of directing the 4th respondent to consider the explanation of the petitioner, if submitted on or before 24.10.2015, provided the proceedings under the impugned notice are still pending and not disposed of.

If such explanation is filed by the petitioner, the 4th respondent shall examine the same in accordance with law and pass appropriate reasoned order in accordance with law. Pending the aforesaid order, the petitioner shall not be dispossessed. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this Writ Petition shall stand closed.

VILAS V.AFZULPURKAR, J

14.10.2015

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