THE HONOURABLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION Nos.40051 AND 40052 OF 2015

ORDER:

Both these writ petitions are directed against the notices issued to the respective petitioners under Rule – 3 of the A.P. Assigned Lands (Prohibition of Transfers) Rules, 2007 alleging that the petitioners are transferees from the original assignee. In the notice itself, the description of the land is shown as "Laoni Patta" and the petitioners are shown as transferees from the original assignee. The petitioners dispute the said notice and rely upon the Revenue records for a long duration, and contended that the land is not an assigned land, but, infact, a private land and also referred to the previous history, wherein the stamp duty validated by the then Tahsildar under Section 5 A of the A.P. Rights in Lands and Patttedar Pass Books Act. The impugned notice is also questioned on the ground that no details are furnished in the said notice, particularly, the names of the assignees or the date of assignment, as alleged etc.

The learned Assistant Government Pleader for Revenue, on instructions from the 3rd respondent, inter alia, submits that the land in Survey No.171 is a Government assigned land to an extent of Acs.222.18 gts., at Chennapuraopally village Peddakothapally Mandal; and an extent of Acs.10.00 guntas in Survey No.171/1 was assigned to one Katta Nagendram and as there are several sale transactions thereafter, a complaint was lodged by one Peddaswamy S/o.Veeranna, before the Revenue Divisional Officer, Nagarkurnool, who inturn, directed the Tahsildar, Peddakothapally to conduct enquiry. It is stated that in pursuance thereof, the impugned notices were given to the petitioners and they have sought for further time for submitting their explanations.

During the course of hearing of the writ petitions, learned counsel for the petitioners states that the notices do not contain any details of the alleged assignee or the date of assignment etc., and submits that in the absence thereof, the respective petitioners are not in a position to give appropriate explanations.

Learned Assistant Government Pleader for Revenue, however, submits that the petitioners are at liberty to make appropriate application for the relevant documents, which would be furnished to them by the 3rd respondent, to enable them to submit appropriate explanations and thereafter the petitioners are at liberty to submit their explanations.

Keeping in view the said assurance, both these writ petitions are disposed of permitting the petitioners to make appropriate applications before the 3rd respondent seeking details of the documents required for the purpose of submitting their explanations to the notices issued to them. On receipt of such applications, the 3rd respondent shall furnish necessary copies of the relevant documents by granting four weeks time to the petitioners to submit their explanations. Thereafter, the 3rd respondent shall consider the explanations submitted by the petitioners and then take appropriate action in accordance with law.

As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

December 28, 2015.
KTL