

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No. 16150 of 2015

Date: 10.06.2015

Between:

Bollam Yatiraju,
Adilabad District.

.... Petitioner

And

The State of Telangana,
Rep. by its Principal Secretary,
Revenue Department,
Secretariat Buildings, Saifabad,
Hyderabad and others.

... Respondents

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No. 16150 of 2015

ORDER:

This Writ Petition was filed assailing a show cause notice. The impugned show cause notice dated 05.03.2015 was issued under the provisions of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977, in respect of an extent of land in Survey No.5/90 of Peddanpalli Village, Kasipet Mandal, Adilabad District. The petitioner submitted his reply thereto under a letter which was received by the

Office of the Tahsildar, Kasipet Mandal, on 13.03.2015. Without waiting for final orders to be passed thereupon, the petitioner rushed to this Court by way of this Writ Petition assailing the said show cause notice. According to him, the issuance of the show cause notice is contrary to the directions of a Division Bench of this Court in W.A.No.43 of 2014.

However, perusal of the order dated 24.12.2014 passed in the said Writ Appeal manifests that the status of the subject land was never in issue in that case. The only issue that fell for consideration before this Court in the said Writ Appeal was as to the entitlement of the petitioner herein as opposed to respondents 1 and 2 in the said appeal for grant of a pattadar pass book and a title deed.

Sri Yallabandi Ramatirtha, learned counsel for the petitioner, would however contend that the State never claimed before this Court in the said Writ Appeal that the land in question was an assigned land. Notwithstanding such failure, if any, on the part of the State, the position is clear that there can be no estoppel against the statute. As the issue before this Court in the Writ Appeal did not relate to the status of the land in question, it is possible that the authorities did not examine the records and having done so thereafter they found that the status of the land needs further examination and accordingly issued the show cause notice. The orders passed by this Court in Writ Appeal No.43 of 2014 therefore do not preclude the authorities from undertaking such an enquiry.

The Writ Petition is devoid of merit and is accordingly dismissed.

Pending Miscellaneous Petitions shall also stand dismissed. No order as to costs.

SANJAY KUMAR, J

Date: 10.06.2015

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