

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF ANDHRA PRADESH
(Special Original Jurisdiction)

THURSDAY, THE FOURTH DAY OF JUNE
TWO THOUSAND AND FIFTEEN

PRESENT

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

WRIT PETITION No.15522 of 2015

BETWEEN

Abbagoni Lingavva

... PETITIONER

AND

State of Telangana, rep. by its Principal Secretary and others

...RESPONDENTS

The Court made the following:

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ORDER:

Heard.

2. Petitioner questions the notice given to her by respondent No.4 dated 10.04.2015 alleging *prima facie* violation of Section 3 of the Andhra Pradesh Assigned Land (Prohibition of Transfer) Rules, 1977. In response to the said notice, petitioner is stated to have filed her explanation on 21.04.2015. Present writ petition is, however, filed questioning the said notice on the ground that such a notice is contrary to the decision of the Division Bench of this court reported in {*Letter Sent from plot NO.138, etc v. Collector & District Magistrate [2008 (5) ALD 626]*}.

3. I am unable to see any tenability in the said contention as the present case is admittedly a case of assignment of patta granted by the then Tahsildar, Kamareddy and the notice alleges that petitioner is a transferee of the assigned land in contravention of Section 3(2) of the Act. In the decision relied upon by the learned counsel for the petitioner, the Division Bench deals with the cases where assignments were granted prior to 1954 when the condition of inalienability was not incorporated in all such assignments. I, therefore, do not see how that decision applies to the present case. Petitioner's explanation also states that he is a purchaser for valid sale consideration in the year 1983. Whether there is any violation of Section 3 or not is a matter that the Tahsildar has to consider. Petitioner, therefore, is not entitled to question the legality of the said notice as respondent No.4 was well within his jurisdiction to issue a notice on the finding *prima facie* violations.

Writ petition is, therefore, disposed of directing respondent No.4 to consider the explanation of the petitioner and take appropriate decision by reexamining the records of the case. Till respondent No.4 passes appropriate orders, petitioner, however, shall not be dispossessed or other interfere with the possession of the land covered by the said notice.

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

VILAS V. AFZULPURKAR, J

June 4, 2015

Lmv