

***THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR***

**WRIT PETITION No.24523 OF 2015**

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**ORDER:**

Heard learned counsel for the petitioner and learned Government Pleader for Revenue appearing for respondents 1 to 3.

The petitioner alleges that the 3<sup>rd</sup> respondent is threatening and interfering with his possession of land as claimed in the Writ Petition.

On 05.08.2015 and 10.08.2015, the matter was adjourned to enable learned Government Pleader to get instructions. On 17.08.2015, when learned Government Pleader informed that resumption order was already passed on 05.08.2015, he was directed to produce the same. When the same was reiterated on 21.08.2015, today the 3<sup>rd</sup> respondent is present and has produced the resumption order. At this stage, the Writ Petition itself is heard and is being disposed of by this order.

The Mandal Revenue Officer, Bethamcherla Mandal, Kurnool District, the 3<sup>rd</sup> respondent, is present in the Court today. He has produced a copy of the order said to have been passed on 05.08.2015 directing resumption of the land in question. Copies of notices in Forms I and II have been produced by the learned Government Pleader along with the said order. However, they do not tally. Notice in Form-II, which was served on the petitioner, shows that it was issued to her on 16.07.2015 mentioning the date of hearing as 25.07.2015. Learned counsel for the petitioner has produced original as well as xerox copy of the said notice duly signed by the Tahsildar, which shows that it was issued on 16.07.2015 mentioning the date of hearing as 25.05.2015 i.e., almost two months prior to the date of issuing.

Learned Government Pleader was shown the original as well as xerox copy of the notice in Form-II, which was served on the petitioner and admittedly signed by the same officer. Apparently, these Forms are identical notices in Form-II, one mentioning the date of hearing as 25.07.2015 and the other as 25.05.2015 and the latter was served on the petitioner. The manner in which the proceedings are conducted by the 3<sup>rd</sup> respondent shows complete disregard with the process of law, including his attitude in not responding to learned Government Pleader when this Court directed production of resumption order, dated 05.08.2015, stated to have been passed by the 3<sup>rd</sup> respondent. After two adjournments for production of the documents, this Court was forced to compel the 3<sup>rd</sup> respondent to be present in the Court and only thereafter the resumption order is produced.

The petitioner also states that the then Tahsildar had granted pattadar passbook to her in the year 2012 vide Patta No.1104 and her name is mentioned in the revenue records and pattadar passbook is also produced along with the Writ Petition that she has been cultivating the said land by raising Mango garden.

Except stating that the explanation of the petitioner is not convincing and the land is vacant since 1994, the order passed by the 3<sup>rd</sup> respondent directing resumption has not at all dealt with the petitioner's explanation and treated her as an unauthorized occupant and he has proceeded to pass the resumption order. In normal course, the said order is appealable.

However, keeping in view that the procedure prescribed under Rule 3 of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Rules, 2007 is flouted and not complied with, as is evident from notice in Form-II served on the petitioner as discussed above, this Court cannot approve such casual approach on behalf of the 3<sup>rd</sup>

respondent.

In view of the same, the resumption order shall stand quashed. However, this order will not preclude the 3<sup>rd</sup> respondent from issuing a fresh notice in Form-II to the petitioner, if he intends to proceed against her. He shall give her an opportunity to submit her explanation and after dealing with the same, he shall pass a reasoned order. The 3<sup>rd</sup> respondent is also directed to deposit costs of Rs.10,000/- (Rupees ten thousand only) with the Secretary, Legal Services Authority, High Court at Hyderabad, within eight weeks from today towards costs of this Writ Petition and the 3<sup>rd</sup> respondent is warned to be careful in future.

The Writ Petition is accordingly disposed of. There shall be no order as to costs.

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

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**VILAS V.AFZULPURKAR, J**

25.08.2015

Note:- Furnish a copy of this order to the  
District Collector, Kurnool District.

(B/o)  
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