

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.19094 of 2015

ORDER:

Heard.

The order impugned directing resumption is appealable. However, the detailed explanation of the petitioners, dated 02-03-2015, filed in response to the notice, apparently has neither been referred to nor examined and consequently, the impugned order of resumption is passed.

Learned counsel for the petitioners has placed reliance upon the petitioners explanation, wherein it is stated that the petitioners' vendor, who was declared as excess land holder under the A.P.Land Reforms (Ceiling on Agricultural Land Holdings) Act, 1973, had surrendered the surplus land and out of his protected land, he has sold the land admeasuring Ac.1-06 cents in Sy.No.390/2A to the petitioners. He also points out that Sy.No.390 of Chettupalli village, admeasuring Ac.3-00 cents is sub-divided into Sy.No.390/2A admeasuring Ac.1-06 cents as protected land of the declarant and Ac.1-94 cents in Sy.No.390/2B as surplus land. The said surplus land was admittedly assigned to poor people. The petitioners claim right in respect of the land admeasuring Ac.1-06 cents in Sy.No.390/2A on the basis of the purchase made by them and according to the petitioners, the said land cannot be assigned, as it is the protected land of the declarant.

The said explanation filed by the petitioners is very much available with the Tahsildar as is evident from the postal acknowledgment as well as the instructions of the Tahsildar addressed to the learned Government Pleader. However, the said explanation is not considered by the Tahsildar while passing the impugned order. Since the explanation has not been considered, the very purpose of issuing notice has been rendered nugatory.

Hence, the impugned order is set aside and the matter is remitted back to the Tahsildar for fresh consideration. He shall look into the explanation submitted by the petitioner, as referred to above, verify the revenue records

and then take appropriate decision in the matter by passing a reasoned order.

Accordingly, the writ petition is allowed. No costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

VILAS V.AFZULPURKAR, J

Date: 29-06-2015

Prv

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