

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH**

-

W.P.No. 34029 of 2015

Between:

Gudipudi Sujanamma and others

... Petitioner/s

and

The State of Andhra Pradesh and others

... Respondent/s

DATE OF JUDGMENT PRONOUNCED: 14.10.2015

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

- | | | |
|---|--|----|
| 1 | Whether Reporters of Local
newspapers may be allowed to see
the Judgments? | No |
| 2 | Whether the copies of judgment may
be marked to Law Reports/Journals | No |
| 3 | Whether Their Ladyship/Lordship
wish to see the fair copy of the
Judgment? | No |

-

-

-

-

-

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

-
W.P. NO. 34029 of 2015

-
ORDER:

Heard Mr. P. Sri Raghuram, learned senior counsel for the petitioners as well as learned Government Pleader for Revenue appearing for the respondents.

The impugned order dated 27.7.2015 was passed by the 4th respondent directing resumption of the assigned land and eviction of the transferee on the ground that one Gudipudi Venkaiah s/o Dasaiah having acquired the assigned land has contravened the provisions of Sub-Section (1) of Section 3 of the A.P. Assigned Land (Prohibition of Transfers) Act, 1977 and therefore ordered for resumption of the assigned land. It is stated that prior thereto, a show-cause notice was issued to one Gudipudi Venkaiah, and as there was no response from him, the impugned order was passed for resumption of the assigned land and eviction of transferee. The impugned order is questioned in this writ petition on various grounds including on the ground that the said Gudipudi Venkaiah was no more and he died on 17.7.2006 as per the death certificate produced along with the writ petition. The petitioners question the said order as legal heirs of the said dead person.

In view of the said crucial aspect, the learned Government Pleader for Revenue was required to get instructions and he, on instructions, submits that the death of the said Gudipudi Venkaiah is correct. Consequently therefore, the impugned order cannot be sustained as it was passed after notice to a dead person and issued against a dead person.

The impugned order is accordingly set aside. This will not, however, preclude the respondent No.4 from issuing a fresh notice to the petitioners on the addresses as shown in the cause title, consider their explanations and pass appropriate orders in accordance with law.

The writ petition is accordingly allowed. Miscellaneous applications, if any, shall stand closed. No order as to costs.

VILAS V. AFZULPURKAR, J

Dt. 14.10.2015

KR