

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

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WRIT PETITION No.24501 OF 2015

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Between:

Thota Raja Mohan.

.. Petitioner

And

The State of A.P. and others.

.. Respondents

DATE OF JUDGMENT PRONOUNCED: 05-08-2015

SUBMITTED FOR APPROVAL:

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

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

HON'BLE SRI JUSTICE VILAS V.AFZULPURKAR

W.P.No.24501 of 2015

ORDER:

The petitioner questions the notice issued by the 3rd respondent under Rule 3 of A.P.Assigned Lands (Prohibition of Transfers) Act, 1977, to one Thota Sunil Kumar, S/o.Raja Rathnam, on the ground that he is an unauthorized purchaser of an assigned land from the assignee Mr.B.Nageswara Rao. The said notice appears to have been served on the petitioner, who is stated to be in possession and enjoyment of the land admeasuring Ac.2-76 cents in Sy.No.874-A situated at Budigunta Village, Kavali Mandal, SPSR Nellore District. The petitioner states that the said Sunil Kumar to whom the notice was addressed, however, died as a bachelor on 09-07-2012 and claims that as a legal heir, he is looking after the said land. He questions the impugned notice on the ground that it was issued to a dead person and no further proceedings can be initiated on such notice.

Apparently, the said Sunil Kumar is no more as is evident from the Death Certificate produced by the petitioner, which was issued by the Commissioner, Kavali Municipality on 13-08-2012, certifying the death of the said Sunil Kumar on 09-07-2012.

In view of that, learned Government Pleader seeks liberty to issue appropriate fresh notice to the petitioner and other legal heirs of the deceased, if any.

In view of that, the impugned notice is set aside. However, the 3rd respondent is at liberty to issue fresh notice to the petitioner and other legal

heirs, if any, of the said deceased person and thereafter take further action in accordance with law.

Accordingly, the writ petition is allowed. No order as to costs.

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

VILAS V.AFZULPURKAR, J

Date: 05-08-2015

Prv