

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

THURSDAY, THE TWENTY FIRST DAY OF MAY
TWO THOUSAND AND FIFTEEN

PRESENT

THE HON'BLE SRI JUSTICE K.C. BHANU

WRIT PETITION No.14778 of 2015

BETWEEN

Masjid Khalid Ebne Waleed Trust,
Rep. by its Trustee.

... PETITIONER

AND

The State of Andhra Pradesh, Rep. by its Secretary (Department of Revenue), Secretariat,
Hyderabad and others.

...RESPONDENTS

The Court made the following:

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ORDER:

This writ petition is filed seeking a writ of Mandamus, declaring the action of the 3rd respondent in issuing form II Notice and resuming the lands to an extent of Ac.1-00 cents situated in survey No.142/2 of Gundlapalem Village, H/o.Vaddipalem Village, Nellore Rural Mandal, SPSR Nellore District alleging that the said lands are purchased by the donors of the petitioner trust in violation of Section 3(2) of A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 without taking into consideration of execution of registered Gift Deed dated 06.02.2015 in favour of the petitioner Trust to an extent of 29 Ankanams out of Ac.1-00 cents and by treating the entire Ac.1-00 cents of lands belongs to the Donors of the petitioner Trust is arbitrary, unreasonable and contrary to Rule 3 of the A.P. Assigned Lands (Prohibition of Transfer) Rules, 2007 and, accordingly, set aside the impugned resumption order of 3rd respondent vide Rc.B.No.4851/2010, dated 24.0-4.2015 in so far as the petitioner trust lands are concerned and also not binding on the petitioner trust lands and consequently direct the respondents not to demolish the Masjid constructed by the petitioner Trust in an extent of 29 Anakanams situated in survey No.142/2 of Gundlapalem Village, H/o.Vaddipalem Village, Nellore Rural Mandal, SPSR Nellore District.

2. Heard.

3. Admittedly, Form II notice dated 10.03.2015 was issued to the donors of the petitioner as to why they should not be summarily evicted from the assigned lands. As per Rule 3 of the A.P. Assigned Lands (Prohibition of Transfer) Rules, 2007, notice has to be given to the persons, who acquired assigned lands.

4. Admittedly, as no notice was given to the petitioner. However, since issuance of form II notice to the donors of the petitioner was well within the knowledge of the petitioner, he shall submit an explanation to the said notice within a period of two weeks from the date of receipt of a copy of this order. Thereafter, appropriate decision has to be taken by the respondents in accordance with law. Till then, there shall not be any demolition.

4. Writ petition is, accordingly, disposed of. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

K.C.BHANU, J

May 21, 2015

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