

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

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WRIT PETITION No.25962 of 2015

BETWEEN

Mamidi Latha.

... PETITIONER

AND

The State of Telangana, Rep. by its Principal Secretary, Revenue Department, Secretariat, Hyderabad and others.

...RESPONDENTS

DATE OF JUDGMENT PRONOUNCED: 24.08.2015

THE HON'BLE SRI JUSTICE VILAS V. AFZULPURKAR

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| 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 Reporters/Journals? | No |
| 3. | Whether Their Ladyship/Lordship wish to see the fair copy of the Judgment? | No |

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ORDER:

Petitioner questions the Form-II notice issued under Rule 3 of the A.P. Assigned Lands (Prohibition of Transfer) Rules, 2007 by the third respondent on the ground that it is factually incorrect as it does not bear any file number or date. Petitioner also submits that invocation of the provisions of the A.P. Assigned Land (Prohibition of Transfer) Act and the Rules is also not warranted inasmuch as a civil suit, O.S.No.110 of 2013, is stated to be pending between the petitioner's vendor's vendor against his brother and the petitioner before the Junior Civil Judge, Armoor. The said vendor's vendor, who is the plaintiff in the said suit, appears to have filed objections stating that the aforesaid land is a Government assigned land, based on which, the impugned notice is alleged to have been issued by the third respondent.

2. Learned Government Pleader has received instructions from the Tahsildar but the instructions also does not state as to why the impugned notice was undated and without any file number. Instructions, however, state that the notice was issued to the vendor of the petitioner also in Form-I and to the petitioner in Form-II proposing to cancel the mutation in the name of the petitioner ordered on 27.06.2012. The instructions state that land was earlier assigned to one Machharla Rajalingam and after his death, his son, in whose name the land was mutated, is stated to have sold the same to one Smt. Thummala Gangavva, who is stated to have in turn sold the same to the petitioner and action is proposed to be taken to the extent of sub-numbers of Sy.No.306 to the extent of Ac.2.00 cents, which is alleged to have been purchased by the petitioner.

3. Since the notice issued to the petitioner in Form-II is bereft of necessary details, as it does not show the name of the assignee and the date of assignment and since it also does not contain file number and the date on which it is issued, the impugned notice is set aside. This will not

preclude the third respondent from issuing a proper notice calling for explanation from the petitioner and then, proceed further in accordance with law.

The writ petition is allowed. As a sequel, the miscellaneous applications, if any, shall stand closed. There shall be no order as to costs.

VILAS V. AFZULPURKAR, J

August 24, 2015
DSK