

THE HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

WRIT PETITION No.3103 OF 2012

ORDER:

This Writ Petition is filed seeking to declare the action of respondents in trying to evict the petitioner from the land admeasuring Ac.0-65 cents in R.S.No.92/1P situated at Velagaleru Village, G. Konduru Mandal, Krishna District, as illegal and arbitrary and consequently, to direct the respondents not to evict the petitioner from the subject land under the guise of notice, dated 04.10.2011, issued by respondent No.2.

2. The case of the petitioner is that he is the owner of the subject land having purchased the same from one Narayanapu Ayodhya Ramaiah on 10.01.1990 for a valuable consideration and his vendor purchased the subject land, which was a surplus land, from Government under the A.P. Land Reforms Act, 1973, in the year 1982 and as such, the subject land is not an assigned land. While so, he was served with notice, dated 04.10.2011, in Form-2 issued under the provisions of A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 to show cause as to why he should not be evicted from the land admeasuring Ac.0-60 cents in Survey No.48/2B. As such, he approached the respondent authorities stating that he is not concerned with the land in Survey No.48/2B. The respondents produced resumption order passed in the month of November, 2011, wherein it is stated that he has purchased Ac.0-60 cents of assigned land in

R.S.No.44/2B of Velagaleru Village from the legal heirs of the assignee and though notice was issued, he has not submitted any reply and as such, the land was resumed to the Government. He submits that though he is not concerned with the land mentioned either in the notice, dated 04.10.2011, or in the resumption order, the respondent authorities are trying to interfere with his possession over the subject land and therefore, he made a representation on 13.01.2012, but no action has been taken yet and the respondents are trying to evict him from the subject land. Hence, the present Writ Petition is filed.

3. Counter affidavit is filed admitting that in the notice, dated 04.10.2011, instead of mentioning Ac.0-65 cents in R.S.No.92/1, the property was wrongly mentioned as Ac.0-60 cents in R.S.No.48/2B, and it is a clerical mistake. It is stated that the petitioner has not filed any explanation to the said notice and has not approached the appellate authority.

4. Heard learned counsel for the petitioner and the learned Assistant Government Pleader for Revenue.

5. The petitioner categorically asserts that he is not concerned with the land in R.S.No.48/2B of Velagaleru Village. Admittedly, notice, dated 04.10.2011, was issued in respect of the land in R.S.No.48/2B of Velagaleru Village. The same was admitted in the counter affidavit. Even the so called resumption order passed in

November, 2011, was also in respect of the land in R.S.No.44/2B of Velagaleru Village. In view of the same, the impugned notice, dated 04.10.2011, is liable to be set aside.

6. Accordingly, the Writ Petition is allowed and the impugned notice, dated 04.10.2011, is set aside. However, this order will not preclude the competent authority from issuing fresh notice for taking further action, if any.

7. Miscellaneous Petitions, if any, pending in this Writ Petition, shall stand closed. There shall be no order as to costs.

October 31, 2016.
MD

A. RAJASHEKER REDDY, J

