

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.33142 OF 2016

ORDER:

The case of the petitioners is that 1st petitioner is the absolute owner of the land admeasuring Ac.2.33 guntas having purchased the same, from one Masireddy Narasimha Reddy vide document No.575/2006, dated 16.01.2015 and an extent of Ac.0.20 guntas vide Document No.287/2005 dated 19.01.2005, total admeasuring Ac.3.15 guntas; the 2nd petitioner is the absolute owner of the land admeasuring Ac.5-00 guntas having purchased the same from Dr.P.Vijay Reddy and others vide document No.15708/2003 dated 10.12.2003 and an extent of Ac.1.25 guntas from Masireddy Narsimha Reddy vide Document No.9387/2004, dated 21.06.2004, total admeasuring Ac.6-25 guntas.

Originally an extent of land admeasuring Ac.10-00 guntas in Sy.No.52 of Turkayamjal Village was assigned to Sathaiah, who was political sufferer and the said assignment was implemented in the Faisal Patti for the year 1961-62 in his name with sub division 52/4 and supplementary sethwar was issued in the year 1963 and implemented in the Faisal Patti 1963-64. The said land was transferred in favour of Masireddy Narasimha Reddy through court order in E.P.No.53/1994 in O.S.No.231/1986 dated 24.10.1995 and the said transaction was done through registered sale deed No.1488/1996, dated 16.04.1996 and from the said Masireddy Narsimha Reddy, the petitioner purchased the subject

property and since then, the petitioners were in peaceful possession and enjoyment of the land.

While so, the 4th respondent issued a show cause notice dated 18.09.2015 under Rule 3(2) of Andhra Pradesh Assigned Lands (Prohibition of Transfers) Rules 1977. In pursuance to the same, the petitioners filed explanation on 16.10.2015. The petitioners further submit that the 4th respondent has no power to issue the show cause notice, since the subject land was assigned to political sufferer in the year 1960-1961 and first transaction took place on 16.04.1996 through Court order. Without passing final orders in pursuant to the explanation filed by the petitioners, the 4th respondent and his subordinate officers are trying to dispossess the petitioners. Aggrieved by the same, the present writ petition is filed.

Heard the learned counsel for the petitioners and the learned Assistant Government Pleader for Revenue.

The petitioners relied on proceedings dated 25.01.1997 wherein it is found that subject land was first assigned to the predecessors in title of the petitioners on the ground of political sufferers and thereafter the petitioners' vendor purchased the said property through Court order vide registered sale deed dated 16.04.1996.

Since petitioners have already filed explanation to the show cause notice dated 18.09.2015 enclosing all the necessary documents, it is for the 4th respondent to consider the same and pass appropriate orders in accordance with law.

In view of the same, the 4th respondent is directed to pass appropriate orders after considering the explanation and documents filed by the petitioner on 16.10.2015, within a period of six (06) weeks from the date of receipt of copy of this order. Till such time, the petitioners shall not be dispossessed from the subject lands.

With the above direction, the writ petition is disposed of. No costs. As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

29-09-2016
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A.RAJASHEKER REDDY,J

