

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.44497 OF 2016

ORDER:

Heard learned counsel for the petitioner and Government Pleader for revenue. With the consent of both the parties, the writ petition is taken up for disposal at the admission stage itself.

2. The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action of respondent No.2 in issuing notice under form II vide No.B/ 163/ 2016 dated 17.11.2016 under Rule 3 of the Andhra Pradesh Assigned Lands (Prohibition of Transfer) Rules, 2007 in respect of land admeasuring Ac.1.00 situated in Sy.No.1844/ AB of Manikonda Village, Kajipet Mandal, Warangal District, as arbitrary, illegal and also violative of the Article 300-A of the Constitution of India.

3. It is the case of the petitioner that the impugned notice dated 17.11.2016 came to be issued informing him that he had purchased government land admeasuring Ac.1.00 in Sy.No.1844/ AB of Manikonda Village, Kajipet Mandal, Warangal, in contravention of Rule 3 of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977. The petitioner was called upon to show cause within fifteen days as to why he should not be summarily evicted from the subject land; and why any crop or other product raised on the land and any building or other

construction erected thereupon, should not be forfeited. It is this notice which is under challenge in this writ petition.

4. It is to be noted as per A.P.Act 9 of 1977, the basic jurisdictional facts i.e., the date of original assignment and in whose favour the assignment was made; the date on which the land was transferred and the mode and manner of such transfer have to be mentioned in the notice to enable the petitioner to submit an effective reply thereto. Further, it is to be noted that the impugned notice does not satisfy the guidelines laid down by this Court in *Dasari Narayana Rao and another Vs. Deputy Collector and Mandal Revenue Officer, Serilingampalli, R.R.District and others*¹ and the judgment of Division Bench of this Court in *Letter sent from Plot No.338, Parvant Nagar, Borbanda, Hyderabad and others Vs. Collector and District Magistrate, Ranga Reddy District at Hyderabad and others*².

5. Learned Government Pleader for Revenue would fairly state that, instead of keeping the writ petition pending on the file of this Court, suffice would it be if this Court sets aside's the order and permit the Tahsildar to issue notice afresh under Rule 3 of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Rules, 1977 and, thereafter, take action in accordance with law.

6. Having regard to the above circumstances and keeping in view the judgments referred to above, the impugned notice is set aside as it is bereft of the basic jurisdictional facts necessary for

¹ 2010 (6) ALD 536

² 2008 (5) ALT 313(D.B.)

the petitioner to give an effective reply thereto. It is made clear that the order now passed by this Court shall not preclude the second respondent from issuing a notice afresh furnishing all the basic jurisdictional facts necessary for invoking his jurisdiction under the A.P.Act 9 of 1977; and take action, thereafter, in accordance with law.

7. The writ petition is disposed of accordingly. There shall be no order as to costs.

8. Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

21.12.2016
vhb



JUSTICE C. PRAVEEN KUMAR