

**HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO**

**W.P.No.9179 of 2016**

**ORDER:**

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue appearing for respondent Nos1 to 4.

2. A notice under Rule 3 of the AP Assigned Lands (Prohibition of Transfer) Rules 2007 was issued to the petitioner on 06-02-2016 alleging that the petitioner is a transferee of the assigned lands and the transfer in his favour is contrary to the provisions of the AP Assigned Lands (Prohibition of Transfers) Act, 1977 (for short 'the Act'). In the said notice, it is alleged that there is a contravention of sub Section (2) of the Act. Since the petitioner entertained a doubt as to which Section of the said Act, whose sub Section (2), he is alleged to be violated, he replied on 22-02-2016 to 3<sup>rd</sup> respondent and asked him to indicate the correct provision so that he can give an effective explanation. On 08-03-2016 the impugned order has been passed without considering the petitioner's objection and stating that the petitioner has made a construction there on.

3. The 3<sup>rd</sup> respondent ought to have issued a notice correctly indicating the provision of law which is alleged to be violated viz., sub Section (2) of Section 3 of

the Act. But the show cause notice issued to the petitioner shows that the words and number 'Section 3' have been inadvertently omitted by 3<sup>rd</sup> respondent. This caused the petitioner to be perplexed as to which provision of the Act, he is alleged to have violated. Had the show cause notice given to the petitioner correctly indicated the provision of law, the petitioner would have given a proper explanation for the same. But the vagueness of the notice disabled the petitioner from giving a proper explanation.

4. Therefore, the impugned order is set aside and the matter is remitted back to 3<sup>rd</sup> respondent to issue a proper notice to the petitioner mentioning the correct provision of law and communicate it to the petitioner; the petitioner on receipt of such a notice will submit an explanation thereto within a period of four weeks from the date of receipt of that notice with supporting material; and on receipt of such explanation, 3<sup>rd</sup> respondent will pass fresh orders within eight weeks after providing personal hearing to the petitioner or his counsel.

5. Accordingly, the Writ Petition is disposed of. No costs.

6. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

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**JUSTICE M.S.RAMACHANDRA RAO**

Date: 21-03-2016

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