

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No. 3012 of 2012

ORDER:

-

Heard learned counsel for the petitioners and Government Pleader for Revenue. No representation on behalf of the fourth respondent. With the consent of both the parties, the main writ petition is heard at the admission stage itself.

The present writ petition came to be filed seeking issuance of writ of mandamus declaring the action of the third respondent in resorting to assign the petitioner's land admeasuring Ac.5.00 cents in Sy.No.441/1, Ac.4.20 cents in Sy.No.438/1 and Ac.2.01 cents in Sy.No.369/1 situated at Battamdoddi Village, Peddapanjani Mandal, Chittor District, in favour of the third parties, without passing final orders to the show-cause notice dated 26.01.2010, as illegal, improper and without jurisdiction.

The averments in the affidavit filed in support of the writ petition would show that the petitioners herein were given DKT patta in respect of land admeasuring Ac.5.00 cents in Sy.No.441/1, Ac.4.20 cents in Sy.No.438/1 and Ac.2.01 cents in Sy.No.369/1 situated at Battamdoddi Village, Peddapanjani Mandal, Chittor District, respectively and also issued pattadar pass books and title deeds. Loans were taken by the petitioners and mango garden was said to have been raised in the said land. While things stood thus, the third respondent issued a show-cause notice dated 26.01.2010 for cancellation of assignment on the ground that the petitioners have transferred the assigned lands in favour of fourth respondent thereby contravening the

provisions of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977. The petitioners are said to have given explanation and the proceedings are pending before the third respondent. The present writ petition came to be filed apprehending that the third respondent is going to assign the said land in favour of third parties.

A counter came to be filed by the third respondent (Tahsildar) stating that no final orders were passed in the matter either by this respondent or by the District Collector and in the absence of any order, the question of grant of assignment in favour of third parties would not arise. It is also stated that the prescribed procedure as laid down under the statute will be adhered to and there will be no deviation from the established procedure. It is also stated that the apprehensions expressed by the petitioners are only imaginary and far from truth. The averments in the counter also show that after receipt of the explanation filed by the petitioners, the matter was sent to the Collector for passing orders in accordance with law.

In view of the admission made by the Tahsildar (third respondent) in the counter that no final orders are passed pursuant to the show-cause notice dated 26.01.2010, the present writ petition is disposed of directing the respondent authorities to pass final orders pursuant to the show-cause notice dated 26.01.2010 in accordance with law, as expeditiously as possible. Till such time, the interim order granted by this Court on 07.02.2012 shall be in force. No order as to costs.

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

**JUSTICE C. PRAVEEN
KUMAR**

27.01.2016
gkv