

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.44746 OF 2016

ORDER:

The present writ petition is filed by the petitioners seeking to declare the action of the 2nd respondent in initiating LTR Case No.40/ 2016/ ENK, dated 24.06.2016 on the petition, dated 03.06.2016, of the 5th respondent pertaining to land of an extent of Acs.2-17 guntas in Sy.No.312 to situated at Jannaram village, Enkoor Mandal, Khamam District, against petitioners 1 and 2, as illegal and arbitrary, and consequently, quash the same.

Heard and perused the material available on record.

The case of the petitioners is that their grand father Swarna Dharmaiah executed a partition memo on 25.12.1995 and allotted an extent of Ac.3.35 gunta of land to the 2nd petitioner and an extent of Acs.3.24 guntas of land to the 2nd petitioner, in Sy.No.312, situated at Jannaram Village and their names are also mutated in the revenue records as owners and possessors. While so, on a representation made by the 5th respondent, the 2nd respondent issued notice to the petitioners on 24.06.2016 to appear before him along with their documents, since the transfer of land on their favour was in violation of provisions of the Andhra Pradesh Schedule areas Land Transfer Regulation Act (for short 'the Act'). The petitioners appeared before the 1st respondent and submitted that the ingredients of the Act does not attract to their case. Subsequently, the 2nd respondent issued show cause notice to the petitioners to show cause within fifteen (15) days as to why they should not be ejected from the said property. Challenging the action of the 2nd respondent, the petitioners filed the present writ

petition. The main grievance of the petitioners is that the authority, who issued the show cause notice, does not have jurisdiction to issue notice.

Considering the circumstances of the case and the grievance of the petitioners, this Court is inclined to pass the following order:

The petitioners are directed to submit their explanations on or before 30.01.2017 to the show notice issued by the 2nd respondent, informing their grievance. On receipt of such explanation, the 2nd respondent shall consider the case and pass appropriate orders, in accordance with law, within a period of three (3) months from the date of receipt of a copy of this order. Till disposal of the case by the 2nd respondent, the respondents are directed not to take any coercive steps against the petitioners.

Accordingly, the Writ Petition is disposed of. No order as to costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.

December 23, 2016
KTL

RAJA ELANGO, J

