

HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.44289 OF 2016

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioners seeking the following relief:

“ ... to issue and appropriate writ, order or direction more particularly on in the nature of writ of mandamus declaring the action of the 4th Respondent in issuing the Notice in Form-II dated 12th February, 2015 and Notice in Form-I dated 12th February, 2015 to the Petitioners No.1, 4 and to the mother of the Petitioners No.9 to 13, without mentioning any particulars and the action of the Respondents in not permitting the Petitioners to enjoy their lands in Sy. No. 134/65 an extent of Ac. 2-03 gts., 134/71 an extent of Ac. 2-16 gts., 134/66 an extent of Ac. 2-11 gts., 134/67 an extent of Ac. 2-16 gts., 134/68 an extent of Ac. 2-17 gts., 134/63 an extent of Ac. 2-07 gts., 134/64 an extent of Ac. 2-03 gts., by threatening through the 5th and 6th Respondents that they would register criminal cases against the Petitioners if they cultivate the above lands as arbitrary, illegal and violative of Articles 14, 21 and 300-A of the Constitution of India”

Heard learned counsel for the petitioners and learned Assistant Government Pleader for Revenue. With their consent, the writ petition is disposed of at the admission stage itself.

It is to be noted that the impugned notices dated 12.02.2015 came to be issued informing the petitioner Nos.1, 4 and mother of petitioner Nos.9 to 13 that they purchased the subject lands, which are assigned lands, in contravention of Rule 3 of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977. The petitioners were called upon to show cause within fifteen days as

to why they should not be summarily evicted from the subject lands; 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 these notices, which are under challenge in this writ petition.

It is to be noted that 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 petitioners to submit an effective reply thereto.

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

Hence, the impugned notices are set aside as the same are bereft of the basic jurisdictional facts necessary for the petitioners to give an effective reply thereto. It is made clear that the order now passed by this Court shall not preclude the fourth respondent from issuing notices 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.

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

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

JUSTICE C. PRAVEEN KUMAR

20.12.2016

Note: Issue C.C. in three days.

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