

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.43357 OF 2016

ORDER:

- 1) 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 format II dated 30.11.2016 and also notice No.C.2704/ 2016 dated 30.11.2016 under section 3 of the Telangana Assigned Lands (Prohibition of Transfer) Rules, 2007 in respect of land admeasuring Ac.1.00 in Sy.No.146 of Mandamarri Village and Mandal, Mancherial District, without giving any details as arbitrary, illegal and also violative of the Articles 14, 16 and 300-A of the Constitution of India.
- 3) It is to be noted that the impugned notice dated 30.11.2016 came to be issued informing the petitioner that he had purchased government land admeasuring Ac.1.00 in Sy.No.146 of Mandamarri Village, 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 ie. 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.

5) 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 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) Hence, the impugned notice is set aside as it is bereft of the basic jurisdictional facts necessary for 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.

JUSTICE C. PRAVEEN KUMAR

14.12.2016

Note: Issue C.C. in three days.

B/ o
gkv

