

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.20897 of 2012

ORDER:

Heard Mr. N. Chandra Shekhar for petitioner and Mr. Durga Reddy, learned Government Pleader for Assignment.

2. The issue arises under the A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 (for short 'the Act 9 of 1977').

3. The amended prayer reads as follows:

"For the reasons stated in the accompanying affidavit, it is prayed that this Hon'ble Court may be pleased to issue an appropriate writ or order or direction more particularly in the nature of Writ of Mandamus, declaring the action of respondent No.4 in issuing order vide proceeding No.B/1297/2011, under Sec. 4(10(b) of the A.P. Assigned Lands (POT) Act, 1977, dated 22.06.2012, as illegal, arbitrary, colorable exercise of power without proper application of mind, violative of Articles 21 and 300A of the Constitution of India and consequently suspend the said order issued by respondent No.4 and pass such other order or orders as it may deem fit and proper in the circumstances of the case."

4. As directed by this Court, the fourth respondent produced original record for perusal. With the assistance of counsel, I have perused the record.

5. Admittedly, notices have been issued to petitioner for appropriate action under the Act 9 of 1977. The principal grievance against the impugned proceeding is, it violates principles of natural justice, has not considered the explanation given by petitioner and

without verifying the record whether the provisions of Act 9 of 1977 are attracted or not, the order impugned has been passed.

6. Learned Government Pleader, except on the contention of violation of principles of natural justice, opposed all other submissions but fairly stated that on account of infirmity visible in the procedure followed by the fourth respondent, in fitness of things, the proceeding impugned in the writ petition can be set aside and matter remitted to fourth respondent for fresh consideration.

7. This Court is not examining the merits of the matter except to the extent indicated above and the writ petition is ordered as follows:

The impugned proceeding No.B/1297/2011 dated 22.06.2012 is set aside, matter remanded to fourth respondent for consideration afresh in accordance with law. The explanation dated 20.06.2012 already submitted shall be considered and appropriate orders are passed expeditiously. All contentions are left open.

As a sequel, the miscellaneous applications, if any pending, shall stand closed. There shall be no order as to costs.

S. V. BHATT, J

September 20, 2016
DSK