

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.36803 OF 2016

ORDER:

Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue appearing for respondents 1 to 4. With consent of the counsel appearing for both sides, the present writ petition is disposed of at the admission stage.

2. Since this Court is not adjudicating the matter on merits, it may not be necessary to put the 4th respondent on notice.

3. The present writ petition came to be filed with the following prayer:

“to issue an appropriate Writ, order or direction, more particularly one in the nature of Writ of Mandamus, to declare the impugned notice issued by the 3rd respondent dated 01.10.2016 bearing No.C/4292/2016 directing the petitioner to appear before him and produce the documents which were already validated and issued the mutation proceedings by collecting the necessary stamp duty and issuing pattdar pass books and title deeds, as being illegal, arbitrary, unjust and contrary to the Section 2(1) and 3 of the A.P. Assigned Lands (Prohibition of Transfer) Act, 1977 and consequently set aside the same.”

4. Though various grounds are raised, learned counsel for the petitioners mainly submits that the very issuance of the notice is without jurisdiction and the petitioners may be given an opportunity to raise the issue of jurisdiction before the 3rd respondent – the

Tahsildar, who issued the impugned notice. The same is not seriously disputed by the learned Government Pleader.

5. Having regard to the above, the Writ Petition is disposed of permitting the petitioners to give reply to the impugned notice. The petitioners are also at liberty to raise the issue of jurisdiction of the Tahsildar in issuing the said notice, which shall be considered by the 3rd respondent, in accordance with law and by taking into consideration the judgment of this Court reported in Sunkara Sujana Vs. District Collector, Ranga Reddy District, Hyderabad and others¹. Till final orders are passed on the impugned notice, the respondents shall not take any coercive steps including dispossession and demolition of the property in dispute.

Consequently, Miscellaneous Petitions, if any, pending in this writ petition shall stand closed. There shall be no order as to costs.



JUSTICE C. PRAVEEN KUMAR

Date: 28.10.2016

Note: Furnish C.C. within two (02) days

(B/O)

INL

¹ 2014(3) ALD 70