

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.7253 OF 2017

ORDER:

This writ petition is filed challenging the notice dated 28.01.2017, issued under Form II, vide Rc. No.B/23/2017, under Rule 3 of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Rules, 2007, wherein the petitioner was asked to show cause as to why he should not be evicted from the land admeasuring Ac.2.15 guntas in Survey No.1434/J, situated at Venkatapur village & Mandal, Jayashanker Bhupalpalli District. The case of the petitioner is that in the impugned notice the basic jurisdictional facts regarding 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 were not mentioned.

Heard learned counsel for the petitioner who submits that in similar circumstances, this Court disposed of WP.No.44497 of 2016 on 21.12.2016, following the Judgments in ***Dasari Narayana Rao and another v. Deputy Collector and Mandal Revenue Officer, Serilingampalli, R.R.District and others***¹ and the Judgment of Division Bench of this Court in ***Letter sent from Plot No.338, Parvant Nagar, Borabanda, Hyderabad and others v. Collector and District Magistrate, Ranga Reddy District at Hyderabad and others***².

¹ 2010(6) ALD 536

² 2008(5) ALT 313 (D.B.)

Heard learned Assistant Government Pleader for Revenue.

A perusal of the impugned notice goes to show that the basic jurisdictional facts regarding 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 are not mentioned. Further, in similar circumstances this Court has already disposed of WP.No.44497 of 2016, relying on the Judgments referred to supra.

In view of the above, this writ petition is allowed in terms of the Judgment dated 21.12.2016, passed by this Court in WP.No.44497 of 2016 setting aside the impugned notice dated 28.01.2017 issued by the 2nd respondent. However, this will not preclude the 2nd respondent from issuing fresh notice furnishing all the basic jurisdictional facts necessary for invoking his jurisdiction under Section 3 of the A.P.Assigned Lands (Prohibition of Transfers) Act, 1977, and take action, thereafter, in accordance with law. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

06.03.2017

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