

HON'BLE SRI JUSTICE S.V. BHATT

W.P. No.17099 OF 2014

ORDER:

The petitioners challenge Notice Roc.No.137/2014(D.T.), dated 10.06.2013 issued by respondent No.3 primarily on the ground that the notice does not refer to the enactment under which the jurisdiction is entertained or the reason for initiating enquiry on the alleged occupation of petitioners of an extent of Ac.0.55 cents in R.S. No.30 of Nimmalagudem Village which is admittedly classified as Grama Kantam.

Learned counsel for petitioners submits that even if wrong provision of law is quoted, without reference to some law, the petitioners will not come to know the purpose of enquiry, scope of enquiry and the remedies available in this behalf. In the absence of reference to an enactment, section or power, the petitioners will be put to hardship and injury.

The Assistant Government Pleader by referring to the stand taken in the counter affidavit traces authority to Land Transfer Regulation 1/59, amended as 1/70. He fairly stated that if action is initiated under the Land Transfer Regulations, the procedure stipulated under the Regulations will have to be followed. The Assistant Government Pleader submits that the notice can be set aside and liberty may be given to respondent No.3 to proceed in accordance with law.

Learned counsel appearing for respondents 4 to 13 submits that the enjoyment and continuation of petitioners of Grama Kantam in tribal area is unconstitutional and this Court considers it stipulating reasonable time for initiation and completion of enquiry.

After taking note the above submissions, the writ petition is disposed of by this order:

The impugned notice is set aside. The 3rd respondent is given liberty to proceed if circumstances warrant in accordance with law. The said decision as well as the exercise shall be completed within a period of four months from the date of receipt of a copy of this order. The contentions of all parties are left open for consideration by 3rd respondent as and when the issue taken up in accordance with law.

No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

S.V.BHATT, J

Date: 06.07.2017

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