

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.NO.4492 OF 2017

O R D E R

The case of the petitioner is that he is a landless poor person and was assigned the subject lands in an extent of Ac.1.93 cents in Sy.No.21/6 and an extent of Ac.1-00 in sy.No.21-7 of Agraharam village of Bukkapatnam mandal vide D.A.Rdis.No.04/1404 dated 3.10.1994. His name was also mutated in the revenue records and that he has been in continuous possession and enjoyment of the subject land. While so, the 4th respondent – Tahsildar issued impugned notice dated 29.10.2016 in Form –I under Rule 3 of Andhra Pradesh Assigned Lands (Prohibition of Transfers) Rules, 1977 (for short 'the Rules'). The petitioner filed his explanation denying the allegation. By proceedings dated 20.1.2017, the 4th respondent passed resumption order, canceling the assignment. Challenging the same, the present writ petition has been filed.

Heard the learned counsel for the petitioner and the learned Assistant Government Pleader for Revenue.

A perusal of the show cause notice dated 29.10.2016 would show that it is very vague and not in conformity with Rule 3 of the Rules. Further, the proceedings dated 20.1.2017 passed by the 4th respondent goes to show that it traveled beyond the allegation in the

show cause notice and the allegations, which are not found in the show cause notice, were made basis to pass the resumption proceedings. This amounts to violation of principles of natural justice.

In view of the same, the impugned notice dated 29.10.2016 and the resumption proceedings dated 20.1.2017 passed by the 4th respondent – Tahsildar, are set aside. The writ petition is accordingly allowed. No costs.

It is made clear that this order will not preclude the competent authority from initiating appropriate proceedings in accordance with law.

Miscellaneous petitions pending if any, shall stand closed.



A.RAJASHEKER REDDY,J

DATE: 16—02—2017

AVS