

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.9297 OF 2017

ORDER:

This writ petition is filed challenging the proceedings No. A1/3802/2015 dated 09.11.2015 issued under Section 4 of Andhra Pradesh Assigned Lands (Prohibition of Transfers Act), 1977 (for short 'the Act') wherein the 4th respondent passed eviction orders against the petitioner.

Learned counsel for the petitioner submits that earlier when petitioner was issued notice on 03.10.2015 under Rule 3 of the Act, petitioner submitted reply to the said notice on 23.11.2015. As no orders are passed, the petitioner filed W.P.No.39133 of 2015 and W.P.No.39496 of 2015. Both the writ petitions are disposed of directing the 4th respondent to pass orders after considering the reply of the petitioner received in response to the notice dated 09.10.2015 and till passing of such orders, petitioner shall not be dispossessed. In pursuant to the said order, the 4th respondent passed exparte final orders dated 09.11.2015 alleging that though copies of notices have displayed on the notice board of Grampanchayat, Bibipur and also on the land, no representation is received from the petitioner.

Learned Assistant Government Pleader for Revenue submits that by the time the orders are passed in the writ petitions, the impugned order is passed and the subject land has been handedover to Andhra Pradesh Housing Board.

A reading of the impugned order goes to show that the notices were displayed in the subject land and also on the notice

board of the Grampanchayat, as the petitioner is not residing the village. But the fact remains that the petitioner gave reply to the show cause notice dated 09.10.2015 and also filed writ petitions seeking direction to consider the reply given in pursuant to the show cause notice dated 09.10.2015 and pass final orders, to which writ petitions, the 4th respondent is the party.

In view of the above facts and circumstances, impugned order is set aside and it is open for the petitioner to submit fresh copy of reply to the show cause notice dated 09.10.2015 within four (04) weeks from today and thereafter, the 4th respondent is directed to consider the same and pass final orders, after giving an opportunity of hearing to the petitioner. Till such time, *status-quo* obtaining as on today shall be maintained in respect of the subject lands. If petitioner fails to submit a copy of reply within the aforesaid period, it is open for the 4th respondent to pass appropriate orders on merits.

With the above direction, the writ petition is disposed of. 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

23.03.2017
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