

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.10901 OF 2017

ORDER:

The case of the petitioner is that he purchased land to an extent of Ac.1.90 cents in RS.No.253 in the auction conducted by the Special Deputy Registrar/Officer on Special Duty DCCBI, Eluru and the said officer issued certificate dated 31.12.1994. His son purchased and extent of Ac.3.83 cents in RS.No.253 of Vemulapalli Village through different registered sale deeds for valuable consideration and thereafter executed a gift deed dated 30.12.2005 in petitioner's name through registered document No.4505/2005. The 4th respondent issued a certificate dated 04.07.2012 for issue of power connection in the aforesaid land. The 4th respondent also issued a certificate dated 21.01.2013 stating that the land in Survey No.253 is not an assigned land and the petitioner is in continuous possession and enjoyment of the same and the revenue authorities also issued pattadar pass book and title deeds in petitioner's favour. It is also stated that Survey No.253 was sub divided into 253/1 and 253/2. While so, the petitioner submitted an application to the revenue authorities to mutate his name in the online revenue records in respect of land to an extent of Ac.1.93 cents, but the 3rd respondent without giving an opportunity issued endorsement dated 20.10.2016 stating that the aforesaid land is assignment land, which is illegal and arbitrary and contrary to the provisions of the A.P.Assigned Lands (Prohibition of Transfers)

(Amendment) Act, 2008. The respondents also threatening the petitioner not to cultivate the land to an extent of Ac.1.93 cents in R.S.No.253-1 of Vemulapalli Village, Lingapalem Mandal, West Godavari District. Aggrieved by the same present writ petition is filed.

Learned counsel for the petitioner submits that without giving opportunity of hearing, straightaway the application of the petitioner was rejected by the 3rd respondent.

On the other hand, learned Assistant Government Pleader for Revenue submits that the land admeasuring 1.93 cents in RS.No.253-1 of Vemulapalli village is an assigned land, as such, mutation cannot be done.

It is to be seen that before going to reject any application, an opportunity of hearing has to be granted to the applicant as per provision to Section 5 of the A.P.Rights in Land and Pattadar Pass Books Act, 1971.

In this case, the 4th respondent without giving any opportunity of hearing to the petitioner has passed the impugned order. As such, only on the ground of violation of principles of natural justice, the impugned endorsement dated 20.10.2016 issued by the 4th respondent is set aside and the 4th respondent is directed to consider the application of the petitioner, in accordance with law, after issuing notice and after

affording opportunity of hearing to the petitioner. Till then, *Status quo* granted by this Court on 27.03.2017 shall continue.

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

06.04.2017
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