

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.29595 OF 2017

Dated:01.09.2017

Between:

Mohammed Feroz Khan, S/o. Mohammed
Firdos Khan, aged about 39 years, Occ: Business,
R/o.H.No.12-381, Islaampura, Mancherial,
Mancherial District (Old Adilabad District)
And others

.. Petitioners

And

State of Telangana, rep., by its
Principal Secretary of Revenue
Department, Secretariat
Hyderabad and others

.. Respondents



The Court made the following:

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ORDER:

In this Writ Petition, petitioners challenge notice dated 19.08.2017 issued in Form-II by the Tahsildar, Naspur, under Rule 3 of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Rules, 2007 (for short, 'the Rules').

2. Learned counsel for the petitioners sought to contend that based on No Objection Certificate issued by the Revenue Divisional Officer on 05.09.2012 holding that the subject land is not an assigned/Government land and is a private patta land, the purchase was made validly and therefore holding that it is an assigned land, no such notice could have been issued.

3. Rule 3 of the Rules vests power in the District Collector/authorized officer to initiate proceedings for cancellation of assignment made; to evict the unauthorized occupants and to declare subsequent purchase made in violation of the terms of assignment. In terms of the said provision and in accordance with the procedure prescribed by the Rules, the impugned notice is issued. Thus, it cannot be said that the Tahsildar is not competent to initiate proceedings. Once the competency of the Tahsildar is *prima facie* proved, whether the notice is properly issued or whether such notice is contrary to the earlier certificate issued by the Revenue Divisional Officer or whether the certificate issued by the Revenue Divisional Officer is erroneous, are the matters for consideration by the quasi judicial authority under the provisions of the Andhra Pradesh Assigned Lands (Prohibition

of Transfers) Act, 1977. What is challenged in this Writ Petition is only a notice. In response to the said notice, it is always open to the petitioners to raise objections before the Tahsildar along with the material available with them, including the No Objection Certificate stated to have been issued on 05.09.2012. Since notice is issued in valid exercise of power, this Court is not inclined to entertain the Writ Petition and to adjudicate the grievance even before the petitioners filed their objections and even before the matter is considered and decision is made by the competent authority.

4. The Writ Petition is accordingly dismissed leaving it open to the petitioners to raise their objections as they deem fit. It is needless to observe that if such objections are filed, the competent authority shall examine them objectively and take appropriate decision in accordance with law. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in the Writ Petition shall stand closed.

P. NAVEEN RAO, J

Date:01.09.2017

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