

HON'BLE SRI JUSTICE S.V. BHATT

W.P. Nos.29415 OF 2013, 29410 OF 2013, 29413 OF 2013, 26835 OF 2013,
29416 OF 2013, 29411 OF 2013, 29414 OF 2013 AND 29412 OF 2013

COMMON ORDER:

Heard Mr.A.Pandu Ranga Rao for writ petitioners and the learned Assistant Government Pleader (Assignment) for respondents.

The matter arises under the A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 (for short 'the Act'). The petitioners challenge the common order dated 08.07.2013 of 1st respondent confirming the orders of 2nd and 3rd respondents dated 13.12.2010 and 27.03.2010 respectively.

The counsel appearing for the parties submit that the reference to circumstances in W.P. No.29415 of 2013 would be sufficient for disposing of the writ petitions.

G.Prasad/petitioner claims to be living by agriculture. Respondent No.3 granted assignment in favour of petitioner for an extent of Ac.3-70 cents in Survey No.361/4 in Vijayapuram Village and Mandal, Chittoor District. According to petitioner, he was and is in possession of the assigned land. While matters stood thus, the 3rd respondent issued notice under Sections 3 and 4 of the Act and passed order dated 27.03.2010 cancelling the assignment and ordering resumption of assigned land. The petitioner filed appeal and the order of cancellation and resumption was confirmed vide order dated 13.12.2010. The petitioner challenged the orders of

respondent Nos. 2 and 3 before 1st respondent in Case No.D.Dis.No. (E4)/1389/2011. On 08.07.2013, the 1st respondent confirmed the orders of respondents 2 and 3. Hence the writ petition.

The counsel for petitioner contends that the proceeding initiated under the Act is completely illegal and without jurisdiction. According to petitioner, the petitioner has not contravened the assignment conditions or the Act. There is no reference to any sale transaction in the orders of respondents 1 to 3 and, therefore, on assumed transfer of property, the orders impugned in the writ petition have been passed. The counsel relies upon the decision of this Court in *Sudalagunta Sugars Limited v. Joint Collector, Chittoor and another*¹ and contends that the notice is bereft of reasons, and notices in Form Nos.1 and II are not issued. Therefore, it is liable to set aside.

The Assistant Government Pleader firstly by relying upon the reasons recorded by the respondents tried to sustain the orders impugned in the writ petition, however, on the contention of petitioner that there is no sale deed evidencing transfer of assigned land in favour of anyone, it is submitted that these details though are available, could not be incorporated in the orders. Therefore, it is fairly stated that the orders impugned in the writ petition can be set aside and the matter remitted to 3rd respondent for consideration and disposal afresh in accordance with law.

¹ 2017 (1) ALT 499

The statement is placed on record and the orders impugned in the writ petition are set aside and matter is remitted to 3rd respondent for consideration and disposal afresh in accordance with law. As this Court is directing the 3rd respondent to initiate action afresh, it is made clear that the 3rd respondent issues notice with full details on which the 3rd respondent intends to proceed under the Act.

The writ petitions are ordered as indicated above. No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

Date: 19.07.2017
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S.V.BHATT, J