

THE HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No. 13279 of 2017

ORDER:

The petitioner challenges the notice issued by 4th respondent in Form-II under Rule 3 of Andhra Pradesh Assigned Lands (Prohibition of Transfers) Rules, 2007.

2. The main objection against the notice is that the notice issued by 4th Respondent is bereft of details and further unless and until it is shown that the schedule property is an assigned land, the 4th Respondent cannot proceed with the enquiry.

3. The learned Assistant Government Pleader for Revenue opposed the very maintainability of writ petition against show cause notice for it is not the case of even petitioner that the 4th Respondent lacks jurisdiction to issue notice in Form-II. He further contends that the details that are sufficient are stated in Form-II Notice and if the petitioner requests the 4th Respondent to furnish the assignment details etc., the request of petitioner would be considered and before enquiry is proceeded with these details are furnished to petitioner. He prays for dismissing the writ petition.

4. I have perused the record and taken note of the submissions of the learned counsel appearing for the parties.

5. The writ petition is filed against the show cause notice issued by 4th Respondent, who has jurisdiction under the Andhra Pradesh Assigned Lands (Prohibition of Transfer) Act, 1977 (hereinafter referred to 'the

Act'). The grievance now pointed out does not go far enough questioning the jurisdiction of 4th Respondent. This Court in *Dasari Narayana Ro v. Deputy Collector and MRO, Serilingamalli*¹ has considered the issue of details to be furnished in a notice under the Act etc.

6. In view of the above, the petitioner is given liberty to ask for details before filing his explanation, preferably within four weeks from the date of receipt of order, and enclose a copy of this order. The 4th Respondent is under obligation to furnish such details to appreciate as to how the jurisdiction under the Act is attracted. The information sought for by the petitioner is to be given within four weeks from the date of receipt of such request. The parties are directed to maintain *status quo* in all aspects till the enquiry is undertaken, completed and order communicated to petitioner.

7. The writ petition is disposed of accordingly. As a sequel, the miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

S. V. BHATT, J

April 17, 2017
Kv

¹ 2010(6) ALD 536

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