

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.4130 of 2017

ORDER:

This Writ Petition is filed seeking a mandamus declaring notice in Form-II, dated 09.01.2017 issued by the fourth respondent - Tahsildar, Manthani Mandal, Peddapalli District, as illegal and arbitrary.

It is the case of the petitioner that he was assigned land to an extent of Acs.2.00 in Survey No.51/2 situated at Shatrajpalli Village, Mutharam (Manthani) Mandal, Karimnagar District, in 1999 and since then, he is in possession and enjoyment of the same by carrying on agricultural operations. It is his further case that on the ground that he transferred the said land in contravention of the provisions of sub-section (2) of Section 3 of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977, the fourth respondent issued a notice, dated 09.01.2017, to him to show cause as to why he should not be evicted from the subject land. It is also his case that in response to the said notice, he submitted explanation on 18.01.2017. In spite of the same, without passing final orders, the respondents are pressurizing him to vacate the subject land.

Heard learned counsel for petitioner and learned Assistant Government Pleader for Revenue appearing for respondents.

It is to be noted that the respondents cannot evict the petitioner from the subject land without following due process of law.

In view of the facts and circumstances of the case, the Writ Petition is disposed of directing the fourth respondent to pass appropriate orders pursuant to the impugned notice, by considering the explanation submitted by the petitioner and giving him due opportunity. Till such time, the petitioner shall not be evicted from the subject land.

Consequently, Miscellaneous Petitions, if any pending in this Writ Petition, shall stand closed. No order as to costs.

7th FEBRUARY, 2017.

A.RAJASHEKER REDDY, J

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