

HON'BLE SRI JUSTICE S. V. BHATT

Writ Petition No.19496 of 2017

ORDER:

Heard Sri D. Prakash Reddy, learned senior counsel for petitioners and the Assistant Government Pleader (Assignment) for respondents.

2. The petitioners challenge Notice Rc.No.328/ 2007/ A/ dated 01.06.2017 issued in Form-II under A.P. Assigned Lands (Prohibition of Transfer) Rules, 1997 (for short 'the Rules'). The Notice, from the material available on record, appears as result of a few of the observations made by the Division Bench of this court in WA No.515 of 2017. On the mode and manner of issuing the notice, the petitioners raised several objections. The objection which is considered by this court at this point of time is that the 5th respondent in view of the ration of this court in '*M/s Sudalagunta Sugars Limited vs. The Joint Collector, Chittoor*¹', issuing only a notice in Form-II is illegal and amounts to arbitrary exercise of jurisdiction. Further the petitioners if answer the notice in Form-II will be subjected to prejudice and hardship.

3. The Assistant Government Pleader has received written instructions on 16.06.2017 and the instructions are not clear on the service of notice in Form-I, as well to the petitioners herein. After taking note of the admitted position and the principle laid down by this court in the decision referred to above, the notice issued in Form-II for the ground referred to above, is set aside. A statement is made on behalf of the 5th respondent that the 5th respondent would issue both notices to petitioners as well and proceed in accordance with law. The statement is placed on record.

¹ 2017(1) ALT 499

4. The writ petition is ordered accordingly. It is made clear that the grounds raised now or the objections pointed out by the 5th respondent are not considered by this court. All the issues, in fact or questions of law, are left open for consideration. No order as to costs. Pending miscellaneous petitions if any in this writ petition shall stand dismissed in consequence.

S.V.BHATT, J

Date: 16.06.2017
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