

HON'BLE SRI JUSTICE S.V. BHATT

W.P. No.1585 OF 2014

ORDER:

The petitioners pray for Mandamus declaring the action of respondents in trying to evict the petitioners from Survey Nos.109/2 and 109/3 in an extent of Ac.2-00 each at Mallepahad Village, Yedapally Mandal, Nizamabad District, as illegal and unconstitutional.

This Court on 24.01.2014 directed the parties to maintain *status quo* as regards possession etc.

The respondents filed petition to vacate the interim order dated 24.01.2014 and in the counter affidavit filed along with vacate stay petition, it is alleged that respondent No.3 has already initiated action under the A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 (for short 'the Act') and the A.P. Assigned Lands (Prohibition of Transfers) Rules, 2007 (for short 'the Rules') by issuing notice in Form-II.

This Court in *Sudalagunta Sugars Limited v. Joint Collector, Chittoor and another*¹ has taken the view that the transferee from an alleged assignee is entitled to notices both in Form-I and Form-II of the Rules. The 3rd respondent is certainly entitled to initiate action if conditions of assignment are breached by the assignee. But such steps must be in accordance with law and the binding precedents

¹ 2017 (1) ALT499

of this Court. In the case on hand, since a notice in Form-II alone is issued and not in Form-I to petitioners, to avoid further loss of time and to afford opportunity to petitioners, the writ petition is disposed of by this Order:

The respondents are directed not to dispossess the petitioners from Survey Nos.109/2 and 109/3 in an extent of Ac.2-00 each at Mallepahad Village, except in accordance with law. The 3rd respondent is free to issue notices in Form-I and Form-II, if breach of conditions of assignment are noticed under the Act.

No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

Date: 28.06.2017
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S.V.BHATT, J

