

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.3145 OF 2017

ORDER:

This writ petition is filed challenging the proceedings No.B/2910/2016, dated 19.01.2017 issued by the 3rd respondent-Tahasildar wherein the Tahasildar ordered for resumption of the subject land to the Government under the provisions of A.P.Assigned Lands (Prohibition of Transfer), Act, 1977 (*for short 'the Act'*).

The grievance of the petitioner is that in pursuance of the show cause notice dated 21.12.2016, he submitted a letter seeking time, but the 3rd respondent without considering the same passed impugned order stating that the petitioner has not submitted any explanation.

Learned counsel for the petitioner submits that the petitioner was granted patta dated 05.11.1988 and that when once patta is granted, the provisions of Land Encroachment Act has no application and that the petitioner is entitled to raise all his objections before the 3rd respondent. He also submits that in pursuance to the notice issued under Section 7 of the Act on 21.12.2016, petitioner addressed a letter seeking time, but without considering the same, the respondents passed the impugned order.

Heard both sides.

Since it is stated that the petitioner has submitted letter seeking time to file explanation in pursuance to the show cause notice dated 21.12.2016, and without considering the same impugned order is passed, the impugned order is liable to be set aside on the ground of principles of natural justice.

In view of the above facts and circumstances, the impugned order is set aside. However, it is open for the petitioner to submit explanation along with necessary documents within four weeks, once again by raising all his objections and on such explanation the 3rd respondent is directed to pass orders, in accordance with law after giving opportunity of hearing to the 3rd respondent. Till passing of final orders the petitioner shall not be dispossessed.

Accordingly, the writ petition is disposed of. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

31.01.2017
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