

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.NOS.6740, 6798 AND 6887 OF 2017

COMMON ORDER

The petitioner in all these three writ petitions is one and the same. His grievance is that the suits filed by him on the file of 2nd respondent – Revenue Divisional Officer cum Sub Collector and Sub-Divisional Magistrate (Agency), have been returned by memo dated 29.06.2016. The relevant portion of the memo dated 29.6.2016 reads as under:

“In this regard, he is informed that the Easgon village of Kaghaznagar Mandal is a notified and the provisions of APSA LTR Amended Act 1 of 1970 prohibit any sale of immovable property in favour of non tribal. The petitioner had submitted a grievance asking for specific performance of the contract but as the contract for transfer of immovable property is itself void in notified village suit for specific performance cannot be taken up.”

Aggrieved by the impugned memos in the suits filed for specific performance, the present writ petitions have been filed.

The learned counsel for the petitioner would contend that under Rule 42 of A. P. Agency Rules, 1924 read with Section 26 and Order VII, Rule 1 of C.P.C., the suit is maintainable before the Agent to Government. In support of this contention, the learned counsel also relied on the judgment of this court in *APSFC vs. P.JOGAIAH AND OTHERS*¹.

Heard the learned Assistant Government Pleader for Revenue and Sri T.Pandu Ranga Rao, learned counsel for the unofficial respondent.

From the material on record and on a perusal of the impugned memos dated 29.6.2017 it could be seen that the suits were returned on the ground

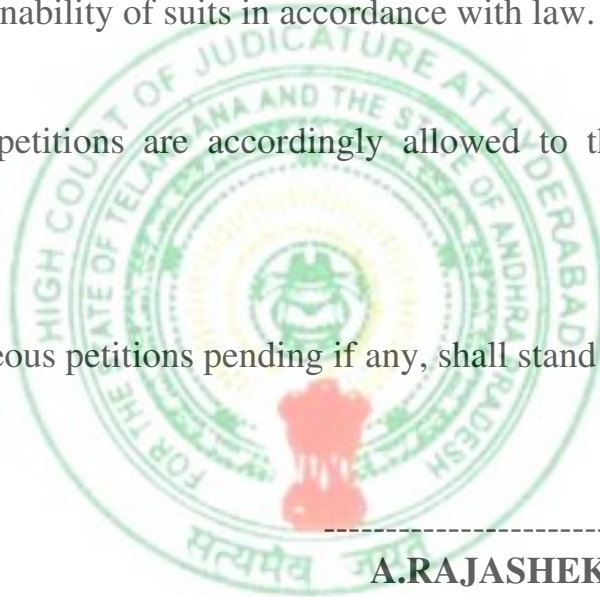
¹ 2006(3) ALD 27

that the land is situated in agency area and the contract for transfer of immovable property is void. Before returning the suits with the said objection, the petitioner was not issued with any notices and was also not afforded any opportunity to purforth his case. Therefore, on the ground of violation of principles of natural justice alone, without expressing any opinion on merits, the impugned order dated 29.6.2016 is set aside.

The petitioner is permitted to resubmit the suits and the 2nd respondent is directed to number the suit and after issuing notice to the petitioner and affording him an opportunity of hearing, shall pass appropriate orders with regard to maintainability of suits in accordance with law.

The writ petitions are accordingly allowed to the extent indicated above. No costs.

Miscellaneous petitions pending if any, shall stand closed.



A.RAJASHEKER REDDY,J

DATE:21—04—2017

AVS