

**HON'BLE SRI JUSTICE A.RAJASHEKER REDDY**

**WRIT PETITION No.10591 OF 2017**

**ORDER:**

This writ petition is filed challenging the proceedings No.B/1972/2016, dated 23.01.2017, wherein the 4<sup>th</sup> respondent directed the respondents 5 and 6 to take the land to an extent of Ac.1.29 guntas in Survey No.141/1, situated at Nacharam Village of Warangal Mandal, into government custody by evicting the petitioner, whereby the assignment granted to the petitioner was cancelled under the provisions of the A.P.Assigned Lands (Prohibition of Transfer) Act, 1977 on the ground of alienation of the said land to the third parties.

Learned counsel for the petitioner submits that the petitioner was recognized as successor of her husband and that the 4<sup>th</sup> respondent has not issued notice in Form I as required under Rule-3 of the A.P.Assigned Lands (POT) Rules, 2007, and that the impugned proceedings are passed in violation of principles of natural justice.

Learned Assistant Government Pleader for Revenue submits that in the writ affidavit the petitioner admitted that she has executed registered sale deeds in respect of the subject land and that as she was not available in the village, notice was pasted on the Grama Panchayath notice

board by the VRO, Nacharam and panchanama was conducted. He further submits that after long lapse of time, petitioner cannot complain about the same.

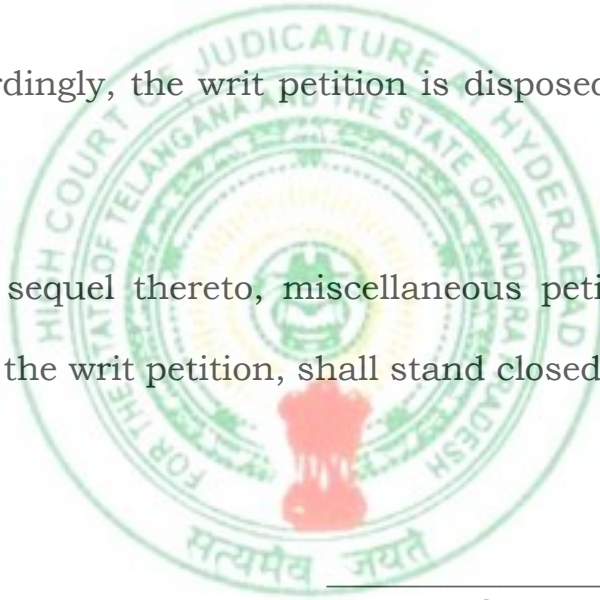
It is to be seen that the petitioner was recognized as legal heir of her husband to whom subject land was assigned. A reading of the impugned proceedings goes to show that no notice was issued to the petitioner. But, it shows that notice in Form II was issued to the present purchaser of the subject land. It is to be seen that as per Rule-3 of the A.P.Assigned Lands (POT) Rules, 2007 notices have to be issued to the assignees as well as present purchaser. Even in the written instructions produced by the learned Assistant Government Pleader, it is admitted that the fact of issuing notices and conducting panchanama was not mentioned in the impugned proceedings. The impugned proceedings also do not reflect the same.

In view of the same, only on the ground of violation of principles of natural justice, the impugned proceedings dated 23.01.2017 is set aside and the Tahasildar is directed to issue fresh notice in Form I to the petitioner, since it is stated that as the petitioner was not residing in the village, the respondents could not serve notice on the petitioner, earlier. Therefore, the petitioner has to approach the 4<sup>th</sup>

respondent for receiving notice within four weeks from today and on receipt of notice submit her explanation, within two weeks from the date of receiving notice. On such submission, the 4<sup>th</sup> respondent is directed to consider the explanation of the petitioner after giving opportunity of hearing to the petitioner as well as purchaser and pass appropriate orders. Till passing of final orders, *Status quo* obtaining as on today regarding possession shall be maintained.

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.



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**A.RAJASHEKER REDDY, J**

30.03.2017  
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