

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.NOS.5241, 5247, 5248, 5354 AND 5363 OF 2017

COMMON ORDER

Since the issue involved in all these writ petitions is common, they are heard together and are being disposed of by this common order.

The case of the petitioners is that they have purchased the subject lands under registered sale deeds. By following due procedure under law, the 4th respondent – Tahsildar mutated their names in the revenue records and pattadar pass books and title deeds were issued and they have been in continuous possession and enjoyment of the subject lands. Now the very same authority i.e., the 4th respondent issued the impugned notice in Form – II under Rule 3 of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Rules, 2007 stating that they are found to be transferees of the assigned lands, and to show cause within fifteen days why they shall not be evicted from the subject lands. Aggrieved by the impugned notices dated 5.1.2017, the present writ petitions have been filed.

The learned Senior Counsel Sri L.Ravi Chander contended that there is inherent lack of jurisdiction on the part of 4th respondent in issuing the impugned notices, since he did not raise any objection at the time of registration of the property and also mutated their names

in the revenue records and issued pass books and title deeds in accordance with law. He further submitted that the petitioners have already submitted explanation to the show cause notice. He contends that as the 4th respondent lacks inherent jurisdiction, the impugned notices may be set aside.

On the other hand, the learned Assistant Government Pleader for Revenue submits that as the petitioners have already filed explanations to the show cause notice, directions may be issued for passing appropriate orders.

As per the submissions of the learned Senior Counsel, the petitioners have already submitted explanations to the show cause notices dated 5.1.2017 to the 4th respondent and it is open for them to raise all the objections that are available in law before the said authority. Normally this court could would not interfere at the stage of show cause notice, but having regard to the facts and circumstances and as the petitioners are disputing the very jurisdiction of the 4th respondent in issuing the impugned notices, I am inclined to protect their possession over the subject lands, till passing of final orders.

For the foregoing reasons, without expressing any opinion on merits, all the writ petitions are disposed of at the stage of admission directing the 4th respondent to consider the explanations submitted by the petitioners to show cause notices dated 5.1.2017 and after

affording opportunity of hearing to the petitioners, shall pass appropriate orders in accordance with law. Till then, the petitioners shall not be dispossessed from the subject lands. No costs.

Miscellaneous petitions pending if any, shall stand closed.

A.RAJASHEKER REDDY,J

DATE:15—02—2017

AVS

