

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.26009 of 2017

ORDER:

Petitioners claim to be the children of late Dappu Durgaiah, Son of Balaiah. Their father was assigned Ac.1.28 guntas of land in Survey No.416/Aa1 and 416/Aa2 of Chitkul Village, Patancheru Mandal. After demise of their father, the said land was transferred in the name of D. Mallaiah i.e., petitioner No.1 and they claim to be in possession and enjoyment thereof. While so, in December, 2016, a show cause notice was caused on petitioners calling upon them to explain in writing along with documentary evidence in support of land claimed to be in their possession, on or before 31.12.2016. It appears, on 30.12.2016, they have responded to the said notice and according to learned counsel, all the relevant documents evidencing the assignment granted to them and also possession were submitted. At this stage, present writ petition is filed alleging that respondent No.3 is seeking to dispossess petitioners from the said land and the same is arbitrary and illegal.

Paragraph No.2 of show cause notice issued in December, 2016, reads as under:

“Therefore, the following beneficiaries have been directed to submit your explanation in writing along with the documentary evidence in support of your lands in this Office on or before 31.12.2016, failing which, action will be initiated as per POT Act, 1977.”

The show cause notice itself indicates that a preliminary exercise was undertaken to ascertain whether petitioners are the

assignees and therefore a request was made to produce all the relevant documents in their possession. The show cause notice assures that failing to produce the documents, appropriate action would be taken as per provisions of Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (for short 'the Act').

According to learned counsel for petitioners, petitioners were assignees and they are in possession of subject land. If these facts are true, there is no cause for apprehension of alleged dispossession when authorities assured them that they would follow procedure as required under the provisions of the Act. Thus, the cause in writ petition is premature. Therefore, writ petition is liable to be dismissed. It is accordingly dismissed. It is needless to observe that if there is any subsequent grievance, it is open to petitioners to workout their remedies available in law.

Pending miscellaneous applications, if any, shall stand dismissed in consequence.

P. NAVEEN RAO, J

4th AUGUST, 2017.

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