

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.2907 OF 2017

ORDER:

The case of the petitioner is that she is the owner of the land in Sy.No.304/69 admeasuring Ac.2.08 gts situated at Torrur Mandal, Mahabubabad District, having inherited from her husband. While so, when the respondent authorities issued eviction notice in the year 2012, the petitioner filed W.P.No.40028 of 2012 and this Court vide order dated 03.01.2013 directed the respondents to take appropriate action in accordance with law after considering the explanation of the petitioner. Basing on the explanation submitted by the petitioner, the petitioner was issued patta certificate vide patta No.1147 dated 13.05.2013. In spite of the same, the respondents once again issued impugned notice in Form-I & II under Rule 3 of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Rules, 2007 vide No.B/2014/2016. Aggrieved by the same, the present writ petition is filed.

Learned counsel for the petitioner submits that in pursuant to the orders passed in W.P.No.40028 of 2012, though enquiry was conducted and pattadar pass book was issued, once again the respondents issued impugned notice.

No counter affidavit is filed.

Learned Assistant Government Pleader for Revenue submits that in pursuant to the order passed by this Court in W.P.No.40028 of 2012, the authorities conducted enquiry and found that the petitioner inherited the subject property from her

husband and hence she was issued pattadar pass book and title deed.

It is to be seen that having considered the explanation of the petitioner while issuing patta certificate No.1147 dated 13.05.2013 in respect of the subject land, the respondents once again cannot issue impugned notice, which goes to show that the impugned notice was issued without application of mind and without reference to the proceedings dated 13.05.2013.

In view of the above facts and circumstances, the impugned notice issued vide No.B/2014/2016 is quashed.

Accordingly, the writ petition is allowed. No order as to costs. As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

23.03.2017
dv



A.RAJASHEKER REDDY, J