

HON'BLE SRI JUSTICE S.V.BHATT

WRIT PETITION No.22389 of 2017

ORDER:

Heard Sri G.Nagesh for petitioners and the learned Assistant Government Pleaders for Revenue and Home.

The petitioners pray for the following relief :-

“.... to issue appropriate Writ, direction, or order more particularly one in the nature of Writ of Mandamus or any other Writ or order/ direction against respondent No 2 & 3 declaring the action of calling upon petitioners to hand over, agriculture land in Ac 5.00 from out of petitioners land of Ac 10.00 Cts in survey No 273/ 40 of Dammamet village and Mandal, Bhadradi Kottagudem District and issuing notices dated 07.02.2017 bearing RC No. B/ 50/ 2017 and notices dated 19.04.2017 without any lawful authority as illegal and violative of my right to life as enshrined in Art 21 and my constitutional right to hold property under Art 300-A of the Constitution of India and consequently direct the Respondents not to dispossess me and other petitioners agriculture land in Ac 10.00 in survey No 273/ 40 of Dammamet village, and Mandal, Bhadradi Kottagudem Dist...”

The Tahsildar, Dammamet, who is shown in his personal capacity, has issued notice Rc.No.B/ 50/ 2017 dated 07.02.2017 and also notice in Form No.II dated 19.04.2017 under Rule 3 of A.P.Assigned Lands (Prohibition of Transfers) Rules, 2007.

The grievance of petitioners is that the Tahsildar, having issued notices, must enquire into the matter, afford opportunity to petitioners and pass orders as are warranted in the circumstances of the case.

The 2nd respondent contrary to the prescription of law is now calling upon the petitioners orally to vacate from an extent of

Ac.5-00 gts., out of 10 acres in Sy.No.273/40 of Dammamet Village and Mandal, Bhadradi Kottagudem District. Hence, the writ petition.

The Assistant Government Pleader for Revenue vehemently opposes the maintainability of writ petition by contending that the Tahsildar, since has issued notices on the complaint of 5th respondent on the alleged breach under the A.P.Assigned Lands (Prohibition of Transfers) Act, 1977, will take the enquiry to logical end. He further submits that by referring to oral orders, no citizen is expected to obey the oral order and certainly the Tahsildar does not act except in a way known to law.

The statement is placed on record.

The petitioners challenge the legality of notice issued in Form-II and this Court is of the view that the petitioners can be given opportunity to file additional explanation by enclosing a copy of this order within two weeks from today. The Tahsildar, Dammamet, is given liberty to proceed in accordance with law and pass orders thereafter.

The writ petition is disposed of accordingly. No order as to costs.

Miscellaneous petitions, if any, pending, shall stand closed.

S. V. BHATT, J

Dt: 07-07-2017
Prv

