

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

WRIT PETITION No.5360 of 2014

O R D E R:

Petitioners filed this Writ Petition assailing Form-I notice issued to them by the 4th respondent under the A.P. Assigned Land (Prohibition of Transfers) Act, 1977, (for short 'the Act') on the ground that said notice did not disclose who the original assignee is and when it was assigned.

2. Though in the counter affidavit filed by the respondents it is stated by the respondents that as per Supplementary Setwari there was an assignment in 1978 of the subject land to certain persons, no document such as Assignment Patta allegedly granted to the said individuals is filed.

3. It is settled law that to initiate action under the provisions of the Act to evict persons in occupation of land, the 4th respondent would get jurisdiction only if the land in question is assigned land and there is a clause in the grant prohibiting alienation of assigned land and on violation thereof (**Dasari Narayana Rao and Another v. The Deputy Collector and the Mandal Revenue Officer¹; Sudalagunta Sugars Ltd. v. Joint Collector, Chittoor and Another²**), Form I notice itself requires the 4th respondent to mention who the assignee is and also furnish the details of assignment.

¹ 2010(6) ALD 536

² 2017(2) ALD 529

4. Since the impugned notices issued to the petitioners are defective on the ground that they do not mention the names of assignee or details of assignment, the impugned notices are set aside; the 4th respondent is however granted liberty to issue fresh notices by not only mentioning the names of assignees, whose land is alleged to be purchased by the petitioners, but also the date of assignment; a copy of the assignment patta shall be enclosed with the said notices; after receiving such notices with the above details, the petitioners shall file their response thereto in 21 days; and on receipt of such response of the petitioners, the 4th respondent shall pass a reasoned order in accordance with law and communicate the same to the petitioners.

5. The Writ Petition is accordingly disposed of. No costs.

6. Consequently, miscellaneous petitions pending, if any, shall stand dismissed.

M.S.RAMACHANDRA RAO, J

21st April, 2017.

gra