

THE HON'BLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.33499 OF 2017

DATED : 06.10.2017

Between :

M.V.Subba Reddy S/o.M.V.Nagi Reddy,
Aged about 59 yrs, Occu : Agriculture,
R/o.D.No.6/680-C, Venkat Rao Nagar,
Ananthapuramu, Ananthapuramu District.

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Petitioner

And

State of Andhra Pradesh,
rep., by its Principal Secretary,
Revenue Department,
State Secretariat at Velagapudi,
Guntur District & others.

...

Respondents



This court made the following :

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ORDER :

Heard.

2. Petitioner challenges the notice issued by the Collector on 08.09.2017 calling upon the petitioner to show cause on the complaint filed by one B.Peddi Reddy, alleging that on the land assigned to his father, some unauthorised persons illegally sold the land and several sale transactions have taken place. The applicant having complained of violation of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (for short, 'the Act, 1977'), also sought for cancellation of pattedar pass books and title deeds issued to unauthorised persons and sought for resumption of land to him.

3. *Prima-facie*, it appears that an assignment was made to late Buchi Reddy. If that is so, Section 4 (B) of the Act, 1977 vests power in the Collector to undertake enquiry on an application made before him. Section 9 of the Act, 1977 also vests power in the Collector as a revisional authority. The exercise undertaken by the Collector attracts the provisions of A.P. Rights in Land and Pattedar Pass Books Act 1971 (for short 'the Act') and the Act, 1977. Thus, *prima-facie*, it cannot be said that notice issued is *ex-facie* illegal, without jurisdiction and competence in order to interfere at the stage of issuance of notice.

4. Thus, leaving it open to the petitioner to raise all objections as available in law, including the issue of the competence of the

Collector to take up the enquiry on an application made directly before him without relegating the said enquiry to the initial authority i.e., Tahsildar under the Act, 1977, the Writ Petition is dismissed. It is also made clear that the observations made herein are only for the purpose of maintainability of the writ petition against the notice issued by the Collector and there is no expression of opinion on merits and it is open to the petitioner to raise all contentions as available in law, in defence of his stand. However, the dismissal of writ petition does not come in the way of the rights of the petitioner to raise all the objections. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

6th October, 2017
Rds

P.NAVEEN RAO,J

