

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.730 OF 2018

ORDER:

Heard learned counsel for the petitioner and the learned Government Pleader for respondents.

The claim of the petitioner is that he purchased the land of an extent of Acs.0.07 cents and Acs.0.08 cents situated in Survey Nos.232 of 2016 and 232 of 2017 respectively under registered document bearing No.285 of 2007 from the original owners. The said land is an agricultural land. When he submitted an application to the Revenue Authorities for mutation of the name in the revenue records and for issuance of pattadar pass books and title deeds, his name was mutated and pattadar pass books and title deeds were issued. When the third respondent wanted to acquire some land for the purpose of laying bye-pass road on the National Highway No.43 leading to Vizianagaram by issuing notices on 24.01.2017, the land of the petitioner was also mentioned but the possession of the said land was not taken. In view of the proposed acquisition, the petitioner sought for payment of compensation. When the matter is pending, the fourth respondent issued a notice alleging that the petitioner purchased the assigned land in violation of the Andhra Pradesh Assigned Lands (Prohibition and Transfer) Act, 1977 and the petitioner was asked to show cause as to why he should not be summarily evicted from the said land. In the impugned notice, which is undated, the details of the assignment or any other reasons were not shown. Against the name of the transferor/assignee, the name of one Lanka Ramunaidu, S/o Appanna and seventeen other members were mentioned. The column 'Nature of transfer and date' was kept blank.

In the absence of any reasons, the petitioner cannot submit proper reply. In view of the vagueness in the impugned notice, the impugned

notice is hereby set aside and if the fourth respondent wants to take any action against the land of the petitioner on the ground of encroachment, the fourth respondent can issue appropriate notice in accordance with law.

The writ petition is accordingly allowed at the admission stage. Consequently, miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

A.RAMALINGESWARA RAO, J

30.01.2018
pln

