

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

Writ Petition No.6353 of 2018

Order:

It is the case of the petitioner that the then Tahsildar granted assignment of land of an extent of Ac.4-60 cents, situated in Survey No.785-1 of Yerraguntlapalli village, Piler Mandal, Chittoor District, in favour of his grand father in the month of August, 1970. Though the land was initially not cultivable, it was brought into cultivation by spending substantial amount. The petitioner states that he has been in possession and enjoyment of the same. He also states that his name was mutated in all the revenue records and pattadar passbooks and title deeds were also issued in his favour. He availed agricultural subsidy for crop loan from the bank in the year 2013. He raised ground nut crop in the said land. While so, when the fourth respondent issued a notice on 19.12.2017, under Section 3(2) of the A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 (for short 'the Act'), the petitioner submitted his explanation on 28.12.2017 and 05.01.2018 clearly giving the details of his claim. When an order was passed by the fourth respondent on 12.01.2018 in a printed proforma, the present Writ Petition is filed challenging the said order.

Learned counsel for the petitioner submits that a reading of the impugned order shows that it was issued under Sub-Section (4) of Section 2 of the Act, which is a definition Section under the provisions of the Act and it clearly shows the non-application of mind by the fourth respondent. He further submits that when a detailed explanation was given on 28.12.2017 and 05.01.2018 and though the same was acknowledged in the impugned order, the contents of the said explanation were not considered. Lastly, he submits that the impugned order is passed by the

fourth respondent in a printed proforma by filling up of the blanks without applying his mind to the facts of the case.

This Court, having gone through the impugned order, *prima facie* found that the allegations mentioned by the petitioner are correct. In view of the same, this Court is constrained to set aside the impugned order dated 12.01.2018 passed by the fourth respondent and remand the matter to the fourth respondent for passing a reasoned order by duly considering the explanation submitted by the petitioner on 28.12.2017 and 05.01.2018 within a period of four (4) weeks from the date of receipt of a copy of this order.

The Writ Petition is, accordingly, allowed to the extent indicated above. There shall be no order as to costs.

As a sequel thereto, the miscellaneous petitions, if any, pending in this writ petition shall stand closed.

Date: 26.02.2018
Nsr

A. RAMALINGESWARA RAO, J

