

HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

Writ Petition No.8179 of 2018

Order:

It is the case of the petitioner that she was granted assignment of land of an extent of Ac.0-81 cents, situated in Survey No.652/17B of Bodumalluvaripalli village, Piler Mandal, Chittoor District, by the fourth respondent vide D-Form Patta No.428/2002, dated 02.09.2002. Though the land was initially not cultivable, it was brought into cultivation by spending substantial amount. The petitioner states that she has been in possession and enjoyment of the same. She also states that her name was mutated in all the revenue records and pattadar passbooks and title deeds were also issued in her favour. In the year 2012, when the fourth respondent tried to interfere with her possession and allot the land to the Transport Department for construction of RTA Office building, she filed W.P.No.21700 of 2012 and this Court, by order dated 20.07.2012, directed the respondents not to undertake any construction over the land assigned to the petitioner. While so, when the fourth respondent issued the impugned proceedings dated 17.01.2018, cancelling the assignment, 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 A.P. Assigned Lands (Prohibition of Transfers) Act, 1977, 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 the notice dated 16.12.2017 as mentioned in the impugned order was not served on the petitioner and though the petitioner attended the office of the fourth respondent on 23.12.2017 and submitted her explanation the same was not considered by the fourth respondent. 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 17.01.2018 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 23.12.2017 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: 13.03.2018
Nsr

A. RAMALINGESWARA RAO, J