

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

WRIT PETITION No.8747 of 2018

ORDER:

It is the case of the petitioner that the then Tahsildar granted assignment of land of an extent of Ac.3.88 cents situated in Survey No.202-1 of Gudarevupalli Village, Piler Mandal, Chittoor District, in his favour vide D-Form patta dated 26.12.1992. The petitioner states that he has been in possession and enjoyment of the same by raising petty crops including fruit bearing trees on the said land. 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. While so, the fourth respondent issued the impugned proceedings on 17.01.2018 under the provisions of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (for short 'the Act') holding that the subject land was not brought into cultivation and a reference was also made therein to the notice dated 16.12.2017. The petitioners alleges that the notice dated 16.12.2017 as mentioned in the impugned proceedings was not served on him. He further states that after coming to know from the villagers that the fourth respondent is contemplating to resume the land, he attended the office of the fourth respondent on 19.12.2017 and the fourth respondent also recorded his statement on that day. But, the impugned proceedings does not give any impression whether the fourth respondent has considered the statement of the petitioner. Hence, he filed the present Writ Petition, challenging the proceedings of the fourth respondent dated 17.01.2018.

Learned counsel for the petitioner submits that a reading of the impugned proceedings 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 the petitioner attended the office of the fourth respondent and gave his statement, which was also recorded by the fourth respondent, the contents of the said statement 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 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 statement submitted by the petitioner on 19.12.2017 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. The miscellaneous petitions pending in this Writ Petition, if any, shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

16.03.2018
vs