HONOURABLE SMT JUSTICE KONGARA VIJAYA LAKSHMI

WRIT PETITION No.19507 of 2007

ORDER:

This writ petition is filed to declare the action of the third respondent-Mandal Revenue Officer in issuing notice dated 9.6.2007, as illegal and arbitrary.

The said notice has been issued by the Tahsildar under the provisions of Section 3 of A.P. Assigned Lands (Prohibition of Transfers) Act 1977 (for short, 'the Act').

Brief facts of the case, so far as they are relevant for the disposal of the writ petition are, that the petitioners were assigned a piece of land in the year 1968 by granting D.K.T. pattas and that they are cultivating the said land as per the terms and conditions of D.K.T. patta; they received a notice under Section 3 of the Act; the petitioners submitted their representation on 28.8.2007; and on 3rd September, 2007, the Mandal Revenue Officer came to the lands of the petitioners and asked them to hand over the possession of the land.

Counter affidavit has been filed by the Tahsildar, Thottambedu Mandal, Chittoor District stating *inter alia* that land in Sy.Nos. 222/1 and 222/2 admeasuring an extent of Acs.5.00 and Acs. 5.01 respectively of Thottambedu village was assigned in favour of one B.Sreenivasulu and PMV Subramanyam, first petitioner herein, on 6.4.1968; they sold the said land to one N.Vanamali, S/o Doraswamy Naidu of Thottambedu village and violated the provisions of Section 3(2) of the Act, hence, notices were issued to the Pattadars and purchasers in Form-I and Form-II on 9.6.2007 and were also served on them; in spite of

service of notice, as no explanation was received from both the pattadars, the DKT pattas granted to the petitioners were cancelled on 15.7.2007 and the land was resumed to the Government, as it was required for public purpose i.e., for providing houses to the weaker sections; as the pattadars have violated condition No.2 of DKT pattas, they are not eligible for any ex gratia; the cancellation of assignment orders were served by substituted service, by affixing the orders and planting in the patta land of the petitioners and duly making proclamation by beat of tom-tom in the main village and also in other hamlet villages; the DKT pattadars never entered into the land from the date of the assignment and the land is kept vacant without any cultivation.

No reply affidavit has been filed disputing the contentions of the counter affidavit.

As seen from the counter affidavit, it is clear that the assignment granted in favour of the petitioners was resumed for violation of the condition No.2 of D-Form Patta. As the petitioners have sold the land to the third parties, the pattas were cancelled and the land was resumed by the Government on 15.7.2007 for providing house sites to the weaker sections. Hence, the writ petition fails and is, accordingly, dismissed.

Miscellaneous petitions pending if any, shall stand closed. No order as to costs.

KONGARA VIJAYA LAKSHMI, J

Date: 19/07/2018
Slk

HONOURABLE SMT JUSTICE KONGARA VIJAYA LAKSHMI

WRIT PETITION No.19507 of 2007

Dated: 19/07/2018

slk