

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.No.21286 OF 2007

ORDER

This writ petition is filed seeking to issue a Writ of Mandamus declaring the notice issued by the 3rd respondent vide Lr.No.664/2005, dated 5.4.2005 as arbitrary and illegal and against the provisions of Section 3 of the Act, 1976, in respect of the land in Sy.No.40/2 admeasuring Ac.4.00 situated at Dubbacharla Village, Ranga Reddy District.

Heard Sri Suresh Shiv Sagar, learned counsel appearing for the petitioner and learned Government Pleader for Revenue appearing for respondents 1 to 3.

It is the case of the petitioner that he was assigned the land admeasuring Ac.4.00 at Dubbacharla, Ranga Reddy District. Since then, the petitioner is in possession and enjoyment of the same as absolute owner by cultivating the same. At the time of assignment of the said land, various conditions were stipulated in the assignment order itself and the petitioner has fulfilled all the conditions and he has not violated any of the conditions as set out in the original assignment patta. While the matter stood thus, the 3rd respondent had issued a notice *vide* proceedings in L.R.No.664/2005, dated 5.4.2005, wherein it was stated that

the petitioner has contravened the provisions of sub-division (2) of Section 3 of the Andhra Pradesh Assigned Lands (Prohibition of Transfer) Act, 1977 (for short 'the Act'). Except stating that the assignment is in contravention of the said provisions, no other specific violation of the conditions by the petitioner has been set out.

Learned counsel for the petitioner submits that a perusal of the said show cause notice does not disclose as to why the respondents intended to cancel the assignment granted in favour of the petitioner, and if really the petitioner has violated any conditions of assignment, and if the petitioner was assigned the land even though he was not entitled to, then the respondents must specify the reasons and that no specific allegations were mentioned so as to enable the petitioner to give proper explanation to the said show cause notice.

Learned Government Pleader contends that since the assignment of land in favour of the petitioner is in contravention of the provisions of sub-division (2) of Section 3 of the Act, the respondents had rightly issued the notice.

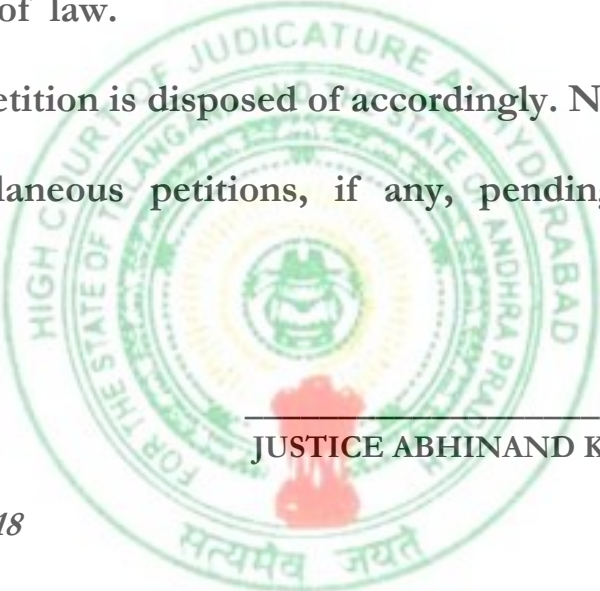
This Court has considered the rival submissions made by the learned counsel on either side. This Court is not in a position to accept the contention of the learned Government Pleader. If the petitioner has violated the conditions as set out

in the original assignment, the respondents have to clearly point out the same. In the absence of any specific averment in the notice as to the violations, the impugned notice cannot be sustained.

Accordingly, the impugned notice is set aside. The respondents are at liberty to initiate action for canceling the assignment of the petitioner, if he has violated the terms and conditions of the original assignment, only after following the due process of law.

Writ Petition is disposed of accordingly. No costs.

Miscellaneous petitions, if any, pending shall stand closed.



JUSTICE ABHINAND KUMAR SHAVILI

14th March, 2018
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