

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.13672 OF 2018

Dated:19.04.2018

Between:

Nikode Mallu Mera @ Nikode Mallaiah,
Aged 69 years, Occ: Agriculture,
R/o.H.No.1-45, Barapally Rechini,
Tandur Mandal, Mancherial District .. Petitioner

And

The State of Telangana, rep., by its
Principal Secretary (Revenue),
Secretariat, Hyderabad and others .. Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P. NAVEEN RAO**WRIT PETITION No.13672 OF 2018****ORDER:**

Heard learned counsel for the petitioner and learned Government Pleader for Revenue appearing for respondents 1 to 4.

2. Petitioner challenges the notice issued under Rule 3 of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Rules, 1977 (for short, 'the Rules'), alleging that he is a subsequent purchaser and the subject sale transaction is contrary to the mandate of the Rules.

3. According to learned counsel for the petitioner, subject land is a private patta land devolved on the petitioner from his ancestors and therefore question of land being affected by the provisions of the Act and the Rules thereof does not arise.

4. Petitioner has already submitted his explanation, dated 03.04.2018, to the notice issued. It is not a case where the Tahsildar is not competent to initiate proceedings under the Act and the Rules thereof. If, according to Tahsildar, there is assigned land and the transactions with regard to assigned lands are affected by the Act and the Rules thereof, it is entirely a different issue. If petitioner claims the subject land as private patta land and no such assignment was made, it is for the petitioner to place before competent authority relevant facts and it is for the authority to consider and take appropriate decision on due consideration of material placed before him. Even before a decision is made on consideration of explanation, it cannot be expected that the

Tahsildar would not appreciate the explanation offered by the petitioner and would take a decision contrary to his stand. The cause in the Writ Petition is premature. Therefore, the Court is not inclined to entertain the Writ Petition, at this stage, against a show cause notice.

5. The Writ Petition is accordingly dismissed leaving it open to the petitioner to work out his remedies as available in law, as and when a decision is made by the Tahsildar. There shall be no order as to costs.

Miscellaneous petitions, if any filed in the Writ Petition stand closed.

Date:19.04.2018

Note:- Issue C.C. in one week.

(B/o)
KH

P. NAVEEN RAO, J



