

THE HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No.13459 OF 2018

Dated:18.04.2018

Between:

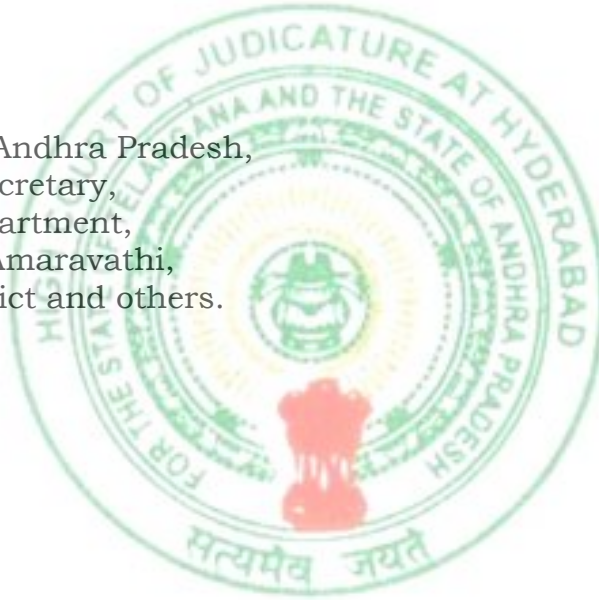
H.Siva Venkateswara Rao,
S/o. Late Babu Rao,
Aged about 44 years,
Occ: Agriculture,
R/o.H.No.6/102, Rangaraju Street,
Nandyal Village and Mandal,
Kurnool District and others.

... Petitioners

And

The State of Andhra Pradesh,
rep. by its Secretary,
Revenue Department,
Secretariat, Amaravathi,
Guntur District and others.

... Respondents



The Court made the following:

THE HON'BLE SRI JUSTICE P.NAVEEN RAO**WRIT PETITION No.13459 OF 2018****ORDER:**

Petitioners were served with notice issued by Tahsildar under Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977, alleging that petitioners are in occupation of land assigned to landless poor persons. Petitioners claim to have submitted explanation, while so, this writ petition is filed challenging the show-cause notice.

2. Learned counsel for the petitioners do not dispute that Tahsildar is competent to issue show-cause notice and to take further action under Act, 1977, on the allegation of illegal dispossession of assignee or purchase of land assigned to landless poor persons. If that being so, the writ petition against show-cause notice is not maintainable.

3. Admittedly, so far no decision is made. At this stage, learned counsel for the petitioners sought to contend that even before an order is passed, the authorities are trying to dispossess the petitioners. The Court do not appreciate the said contention. It cannot be expected that the Tahsildar having issued notice and called for explanation and if the explanation is already filed, he would not consider the explanation and make a decision before evicting the petitioners.

4. This Court exercises power of judicial review under Article 226 of the Constitution of India against the decision made by the authorities. Thus the decision has to be made to test the legality of the same, within the parameters of judicial review. Thus, even before a decision is made, on apprehension of the petitioners that they would be dispossessed from the subject land, which cannot be done normally, the cause in the writ petition is pre-mature and this Court cannot entertain the writ petition filed in the form of pre-emptive litigation.

5. Accordingly, this writ petition is dismissed, leaving it open to the petitioners to avail the remedy as available to them, when a decision is made. Miscellaneous petitions pending consideration, if any, in this case shall stand closed in consequence. No order as to costs.

18.04.2018
SS

P.NAVEEN RAO, J

THE HON'BLE SRI JUSTICE P. NAVEEN RAO



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18th APRIL, 2018

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