

**IN THE HIGH COURT OF JUDICATURE, AT HYDERABAD
FOR THE STATE OF TELANGANA & THE STATE OF
ANDHRA PRADESH**

HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION NO. 15118 OF 2018

DATE : 26.04.2018

Between:

Bade Appanna

....petitioner

A n d

State of Andhra Pradesh
Rep. by its Principal Secretary,
Revenue Department and three others

....Respondents



HON'BLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 15118 OF 2018

ORDER:

In this writ petition, the petitioner is challenging the notice, dated 28.03.2018, issued by the forth respondent – Tahsildar, Bhogapuram Mandal, under Rule 3 of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Rules, 2007. The notice alleges that in contravention of the provisions of Section 3(2) of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (for short, 'Act 9 of 1977'), the petitioner is in possession of the assigned land by way of an unregistered sale deed.

2. A perusal of the material available on record discloses that one Chatla Madhu Mohan Reddy filed an application before the fourth respondent to issue pattadar pass book and title deed to him in respect of the subject land. On coming to know about the said application, the petitioner filed objections opposing the request of Chatla Mahdu Mohan Reddy. On elaborate consideration of the respective claims, the fourth respondent, by order, dated 25.10.2017, while rejecting the application filed by Chatla Madhu Mohan Reddy, observed that the petitioner herein was in unauthorised possession of the subject land and, therefore, action has to be initiated against him under Act 9 of 1977. Aggrieved by the said order, the petitioner claims to have filed an appeal before

the third respondent - Revenue Divisional Officer, Vizianagarm. During the pendency of the said appeal, the fourth respondent has issued the impugned notice. Hence, this writ petition.

3. As briefly noted above, in the process of consideration of the application filed by Chatla Mahdu Mohan Reddy for issuance of pattadar pass book and title deed, and the objections raised by the petitioner to the said application, the fourth respondent noticed that the petitioner is in unauthorised possession of the assigned land and, therefore, action has to be initiated against him under Act 9 of 1977.

4. The impugned notice describes how the provisions of Act 9 of 1977 are *prima facie* violated. Thus, the impugned notice is independent of the proceedings issued earlier by the very same officer and therefore, it cannot be said that the impugned notice is affected by the earlier exercise undertaken and the fourth respondent should await the decision of the third respondent. Therefore, this Court is not inclined to interfere with the impugned notice.

5. The Writ Petition is accordingly dismissed. However, the petitioner is at liberty to file a detailed explanation in response to the impugned notice. Since the time granted to the petitioner in the impugned notice has already expired, he is granted 15 days time to respond to the impugned notice. If such explanation is filed within the time granted, the fourth respondent shall consider the said explanation objectively

without regard to the observations made in the order dated 25.10.2017 and shall pass appropriate orders as warranted by law, by assigning reasons.

Miscellaneous petitions, if any, pending in this writ petition shall also stand dismissed. There shall be no order as to costs.

P. NAVEEN RAO, J

Date: 26.04.2018
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