

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 12260 of 2007

ORDER:

This writ petition is filed, under Article 226 of the Constitution of India, by the petitioners seeking a writ of mandamus to declare the proceedings initiated by the 3rd respondent including notice dated 25.04.2007 thereby branding their lands as assigned lands, as illegal, irregular, irrational, without jurisdiction and contrary to the provisions of Andhra Pradesh Assigned lands (Prohibition of Transfers) Act, 1977 (for short 'the Act'), Rules framed thereunder, and offends Articles 14, 21 and 300-A of the Constitution of India. A consequential direction is also sought to quash the notice dated 25.04.2007 and not to interfere with the lands of the petitioners in any manner.

2. Heard Sri Sita Ram Chaparla, learned counsel for the petitioners, and the Government Pleader for Assignments appearing for the respondents.

3. It has been submitted by the learned counsel for the petitioners that the petitioners had purchased lands situated at Markapuram village by way of registered sale deeds during 1958 to 1962 and their vendors had been in possession of the lands from times immemorial. Ever since the purchase of the lands, the petitioners are in peaceful possession and enjoyment of the same. While matters stood thus, the 3rd respondent issued a show-cause-notice, dated 25.04.2007, to the

petitioners calling upon them to explain as to why action should not be taken against them, within seven days, as they had purchased the assigned lands from the legal representatives of the original assignees during 1958 to 1962 and transfer of the assigned lands is prohibited. Challenging the show-cause-notice, the petitioners filed the present writ petition.

4. It is also submitted by the learned counsel for the petitioners that while admitting the writ petition, on 15.06.2007, this Court granted an order of status-quo as to the nature of possession of the lands, and by virtue of the said orders, the petitioners are in peaceful possession and enjoyment of the lands.

5. It has been contended by the learned counsel for the petitioners that in the show-cause-notice, nowhere it is stated that under which provision of law the show-cause-notice has been issued and the action to be initiated.

6. On the other hand, learned Government Pleader for Assignments appearing for the respondents contends that since the petitioners had purchased the assigned lands, it is hit by the provisions of the Andhra Pradesh Assigned lands (Prohibition of Transfers) Act, 1977.

7. A perusal of the impugned show-cause-notice would not disclose that under which provision of law, the show-cause-notice was issued. If really the petitioners have violated any rules, the

respondents are at liberty to issue a show-cause-notice specifically mentioning the relevant provision of law alleged to have been violated by the petitioners. In the absence of the same, it would be difficult for the petitioners to submit explanation and defend their case. In view of the above discussion, the impugned show-cause-notice is liable to be set aside.

8. Accordingly, the Writ Petition is allowed and the impugned show-cause-notice is set aside. However, liberty is given to the respondents to take appropriate action against the petitioners by invoking the relevant provision of law.

Consequently, miscellaneous petitions if any pending in the writ petition shall stand dismissed. There shall be no order as to costs.

ABHINAND KUMAR SHAVILI, J

27th February, 2018
cbs

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Writ Petition No. 12260 of 2007
(allowed)

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