

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.31080 of 2018

ORDER:

This writ petition is filed challenging the notice dated 12-06-2018 issued to the petitioner under sub-Section (1) of Section 3 of the Andhra Pradesh Schedule Area Land Transfer Regulation, 1959 and 1970.

Learned counsel for the petitioner submits that subject property was devolved on the petitioner under succession. As such there is no transfer. By virtue of Section 4 of A.P. Schedule Area Land Transfer Regulation, devolution by succession is not a transfer. If such is the case, the respondent-authorities cannot issue the impugned notice for the same and the same is without jurisdiction.

On the other hand, learned Assistant Government Pleader for Social Welfare submits that it is only notice, as on today no order is passed and the petitioner can raise all his objections before the authority, which issued the impugned notice.

In this case, it is to be seen that whether the petitioner has inherited the subject property or there is any sale in contravention of sub-Section 3 (1) of above Regulations, is a question of fact which is to be decided by the concerned authority. It is not the case of the petitioner that respondents lack inherent jurisdiction to issue the impugned notice. The authority which issued the impugned notice is competent to decide the objections raised by the petitioner.

In view of the same, it is open for the petitioner to raise all his objections before the competent authority and the competent authority shall consider the same and after giving opportunity of hearing to the petitioner, pass appropriate orders. Till passing of orders, *status-quo* regarding possession over the subject property shall be maintained.

With the above direction, this writ petition is disposed of. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

07-09-2018

Note:

Issue CC by 10-09-2018

B/o.

Nvl

A.RAJASHEKER REDDY,J



