

HON' BLE SRI JUSTICE C. PRAVEEN KUMAR

W.P. No. 36202 of 2018

ORDER:

The present writ petition came to be filed seeking the following relief:

“To declare the action of the 4th respondent in issuing notices under Rule 3 of A.P. Assigned Land Prohibition of Transfers Rules, 2007 vide R.C. B/ 589/ 2016 dt. 31-08-2018 to all the petitioners by serving the same on 26-09-2018 without giving any notice or calling objections is illegal, arbitrary and violative of Articles 14, 15 and 300A of Constitution of India which is liable to be set aside and consequently direct the 4th respondent not to dispossess the petitioners from their lands without following due process of law.”

2. At the time when the matter is taken up for hearing, the learned Government Pleader for Revenue fairly submits across the bar that notice issued in Form-II, which is impugned in the writ petition, is illegal, for the reason that while issuing the same under Section 3 of the A.P. Assigned Land Prohibition of Transfers Rules, 2007, in column (6) of the schedule, the subject land is shown as encroached land. She would further submit that if the petitioners

are encroachers, notice under Section 7 of the A.P. Land Encroachment Act ought to have been issued.

3. In view of the above, the impugned Form-II notice in R.C. B/ 589/ 2016, dated 31.08.2018 is set aside. However, the authorities are at liberty to take appropriate steps in accordance with law.

4. With the above directions, the writ petition is disposed of at the admission stage. Miscellaneous Petitions, if any, pending in this writ petition, shall stand closed.

05.10.2018
DMG



JUSTICE C. PRAVEEN KUMAR