

THE HONOURABLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NO.4508 OF 2019

ORDER

Challenge in this writ petition is to the resumption orders dated 04.03.2019 passed by the Tahsildar, Pudur Mandal, Vikarabad District, in exercise of power under Section 4 of the Telangana Assigned Lands (Prohibition of Transfers) Act, 1977.

Perusal of the impugned resumption orders dated 04.03.2019 demonstrates that the Tahsildar, Pudur Mandal, was of the opinion that despite issuance of the notice in Form I and Form II, no reply had been received either from the assignee or from the encroacher.

However, Sri J.Prabhakar, learned counsel for the petitioner, would point out that upon receipt of the notice in Form II, the petitioner submitted his reply dated 22.02.2019 on merits and sought further time to examine the legal issue and make an additional representation.

Perusal of the reply dated 22.02.2019 demonstrates that the same was received by the Office of the Tahsildar, Pudur Mandal, Vikarabad District, on the very same day. It is therefore clear that the Tahsildar, Pudur Mandal, did not take into consideration the aforesaid reply of the petitioner despite receiving the same within time. The resumption orders dated 04.03.2019 therefore cannot be sustained on this short ground.

At this stage, Sri J.Prabhakar, learned counsel, would state that the petitioner may be permitted to file an additional written representation in response to the notice received by him.

The writ petition is accordingly allowed setting aside the resumption orders dated 04.03.2019. It shall be open to the petitioner to

file an additional written representation within ten days from today, if he so chooses. After expiry of this period, the Tahsildar, Pudur Mandal, Vikarabad District, shall consider the matter afresh duly taking into account the reply already submitted by the petitioner on 22.02.2019 along with any additional representation made pursuant to the liberty granted *vide* this order and pass appropriate orders in accordance with law.

Be it noted that the Tahsildar, Pudur Mandal, is bound to await the expiry of the time stipulated under the statute for filing of an appeal, in the event he passes an order adverse to the petitioner, before he seeks to give effect to it. As the impugned resumption orders dated 04.03.2019 have been set aside, the Tahsildar, Pudur Mandal, is directed to remove the notice board erected upon the subject premises stating to the effect that the land has been resumed. This action shall be taken immediately.

Pending miscellaneous petitions shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

5th MARCH, 2019

Note: Issue C.C. in two days.
B/o Svv