

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION No.4882 of 2019

ORDER:

Challenge in this writ petition is to the notice dated 28.02.2019 issued by the Tahsildar, Thimmapur Mandal, Karimnagar District. By the said notice, the Tahsildar directed the persons to whom the said notice was addressed, viz., the petitioners herein and three others, to submit their explanation in relation to the action proposed to be taken against them for making illegal constructions and carrying on commercial activities in house site patta lands in Survey No.272 of Thimmapur Village.

The impugned show-cause notice dated 28.02.2019 referred to the order dated 11.02.2019 passed by this Court in W.P.No.47715 of 2018 but no mention was made as to the law under which the said show-cause notice was issued by the Tahsildar.

Perusal of the order dated 11.02.2019 passed in W.P.No.47715 of 2018 reflects that the Collector, Karimnagar District, and the Revenue Divisional Officer, Karimnagar District, issued directives under letters dated 19.07.2018 and 26.07.2018 respectively in relation to the alleged violations by various parties of the provisions of the Telangana Assigned Lands (Prohibition of Transfers) Act, 1977 (for short, 'the Act of 1977'). It was in this context that this Court disposed of the writ petition directing the Tahsildar, Thimmapur Mandal, Karimnagar District, to take appropriate action, as warranted, in accordance with the due procedure laid down by law in relation to the alleged violations set out under the letters dated 19.07.2018 and 26.07.2018 of his superiors within a time frame.

Significantly, the impugned show-notice dated 28.02.2019 does not even refer to any provision of the Act of 1977.

Sri C.V.Mohan Reddy, learned senior counsel appearing for Sri Ramakrishna Pativada, learned counsel on caveat for respondents 5 and 6, would state that the provisions of the Act of 1977 would have no application as the lands in question are not agricultural lands but only house sites.

In any event, it is not open to the Tahsildar, Thimmapur, to issue a vague and ambiguous notice without even citing the legal provision under which he has issued the show-cause notice to as many as eight people baldly stating that action is proposed to be taken against them in relation to the illegal constructions allegedly made by them and the commercial activities allegedly carried on by them in the house sites in Survey No.272 of Thimmapur Village. The show-cause notice must necessarily spell out the alleged violations attributed to each of the persons to whom such a show-cause notice was issued indicating the law under which such action is proposed to be taken so that the addressee of the show-cause notice would have an opportunity to not only meet the specific allegations made against him but also take note of the legal regime under which the show-cause notice has been issued. The impugned show-cause notice dated 28.02.2019 therefore suffers from the vice of vagueness and cannot be sustained.

The writ petition is accordingly allowed setting aside the impugned show-cause notice dated 28.02.2019 issued by the Tahsildar, Thimmapur Village, Karimnagar District. This order shall however not preclude the Tahsildar from taking appropriate action in terms of the order dated 11.02.2019 passed in W.P.No.47715 of 2018.

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

JUSTICE SANJAY KUMAR

Date:12.03.2019

GJ

