

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.14344 OF 2019

Date: 15.07.2019

Between:

Aljapur Ganga Mohan, s/o. Gangaram,
Aged 66 years, occu: Business,
R/o.7-3, Mamidipally village,
Armoor, Nizamabad district and others.

.....Petitioners

and

The State of Telangana, rep.by
Prl.Secretary, Revenue Department
and others.

.....Respondents



The Court made the following:

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ORDER:

Notice was issued against the petitioners under the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (Act, 1977) alleging that they purchased the land assigned to the landless poor persons, and such purchase is not valid in law and that why action of evicting them should not be taken against them. This notice is challenged in this Writ Petition.

2. Several contentions are urged against the said notice. Primarily, it was contended that earlier similar notices were issued, that assignment was prior to 1958 and, therefore, there is no clause of prohibition against alienation, that the land was purchased long ago and petitioners are in occupation of the said land for several years and that notice does not contain essential details of the alleged assignment and clause incorporated in the assignment.

3. However, it is seen from the objections filed by the petitioners, all these aspects were raised before the competent authority.

4. It is not in dispute that Tahsildar is competent to issue notice under the Act, 1977, whenever it comes to his knowledge that there is failure of assignment conditions and land is alienated though prohibited. Whether petitioners' land is hit by such prohibition and whether there is acquiescence and knowledge of the competent authority and has ratified the alleged illegal transaction, and eviction of the petitioners from the property, are

all the matters required to be considered by the competent authority. Court is not inclined to interfere at this stage. These aspects are open for the petitioners to urge in appropriate proceedings, if the competent authority do not appreciate their contentions and takes an adverse decision. Thus, leaving it open to petitioners to work out their remedies, Writ Petition is disposed of. It is needless to observe that as detailed submissions are made and having regard to the statutory scheme, the notices were issued periodically, the Tahsildar is directed to examine all the aspects and pass appropriate orders taking note of the various contentions urged by the petitioners in their explanations and shall assign reasons in support of the decision. Till decision is made, Tahsildar shall not disturb the petitioners' possession, if otherwise vested in them. Pending miscellaneous petitions shall stand closed.

JUSTICE P.NAVEEN RAO

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