HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION No. 17052 of 2019

Date : 9.8.2019

Between:

Alsa Sathaiah Satyam S/o Hanumaiah
aged 50 years Occ Agriculture R/o 470/4/1 North Avenue Colony Teegalaguttapalli Karimnagar District

Petitioner

And

The State of Telangana
Represented by its District Collector Karimnagar District at Karimnagar and others

Respondents

The Court made the following:

HIGH COURT FOR THE STATE OF TELANGANA
HYDERABAD

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ORAL ORDER:

Heard learned counsel for petitioner and learned Government Pleader for Revenue.

2. On 19.4.2019 notice in Form-II of A.P. Assigned Lands (Prohibition of Transfer) Rules, 2007 was issued alleging that petitioner purchased land from assignee and such transaction is therefore illegal. Petitioner filed his explanation on 8.5.2019. This writ petition is filed challenging said notice.

3. The primary contention urged in support of challenge of the notice is that the land was assigned to the vendor of petitioner on payment of market value and once amount is paid to purchase the land, the non alienation condition is not applicable, therefore vendor of petitioner has valid title and same has passed on to the petitioner validly. However, in the explanation filed by the petitioner, this aspect was not raised, he was ignorant of the same and claims himself as a bonafide purchaser and wanted exonerating him of the allegation of the purchase of an assignment land.

4. It is not known whether any final orders are passed by the Tahsildar pursuant to notice dated 19.4.2019 and whether possession continued to vest in the petitioner. However, as the Court finds some merit in the contention of the learned counsel for petitioner that if land was sold by taking market value, may be the condition of alienation is not applicable. But Court is not expressing any opinion on this aspect.

It is open to the petitioner to file additional explanation bringing forth this fact to the notice of the Tahsildar and invite a decision from him.

5. Accordingly, writ petition is dismissed granting liberty to the petitioner to file additional explanation within two weeks from the date of receipt of copy of this order. On filing such additional explanation, if no decision is already made and the possession of the petitioner is not disturbed, the Tahsildar is directed to consider the same and pass appropriate orders within a period of four weeks from the date of submission of additional explanation. Miscellaneous petitions, if any pending, are closed.

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P NAVEEN RAO,J

DATE:9-8-2019
TVK

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Dt. 09.08.2019

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