

THE HON'BLE SRI JUSTICE CHALLA KODANDA RAM

WRIT PETITION No. 18474 of 2019

ORDER:

In this writ petition, petitioner challenges notice in Form-II dated 13.08.2019 issued by the second respondent – Tahsildar, Bellampally Mandal, Mancherial District.

It is the contention of the learned counsel for the petitioner that the impugned notice came to be issued to the petitioner alleging that she is a transferee of the assigned land, details of which are specified in the schedule thereof. It is also his contention that in the impugned notice, there were no details with regard to the nature of assignment, thereby, it is defective as such the writ petition deserves to be allowed. In support of the same, he places reliance on the judgment of this Court in **Sudalagunta Sugars Limited v. Joint Collector, Chittoor and another**¹.

On the other hand, learned Government Pleader for Revenue appearing for the respondents would submit that in the impugned notice, details/description with respect to the subject land had been categorically stated and thus, it cannot be said to be defective. He would also submit that as it is only a notice, no writ would lie against the same and that the petitioner was given

¹ 2017(1) ALT 499

ample time to submit her explanation and on such submission, the same would be considered in accordance with law.

A perusal of the judgment referred to above discloses that as a matter of fact, this Court in paragraph No.13 while observing “The Notice dated 05.10.2009 refers to alleged assignee but does not state the year and number or name of assignee in the notice. There are hardly any details on the jurisdictional facts, as such, the notice is defective and liable to be set aside...”, held that the notice issued in Form-II is defective and thus, set aside the notice and directed the authorities to conduct de novo enquiry.

In the case on hand, it may be noted that in the impugned notice, details with respect to the survey number, extent, description of the land and name of the transferor/the assignee were categorically stated and nature of transfer was mentioned as ordinary sale deed. Though the learned counsel for the petitioner submitted that as the petitioner purchased the subject land through ordinary sale deed, the provisions of the Telangana Assigned Lands (Prohibition of Transfers) Act, 1977, are not applicable, this Court cannot make any comment on the said aspect as the petitioner is challenging the impugned notice mainly on the ground that she is in possession of the subject land.

In those circumstances, considering the fact that the petitioner has challenged in this writ petition only a notice and as she has 15 days time for submission of explanation from the date of receipt of the impugned notice and that the impugned notice came to be received by her only after 13.08.2019, the writ petition is disposed of by giving liberty to the petitioner to submit her explanation to the impugned notice within ten (10) days from the date of receipt of a copy of this order. Thereupon, the same shall be considered by the second respondent in accordance with law.

Pending miscellaneous petitions, if any, shall stand closed.
There shall be no order as to costs.

CHALLA KODANDA RAM, J

26th AUGUST, 2019.

Note: issue c.c. in three (3) days.

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