IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI
(Special Original Jurisdiction)

FRIDAY, THE TWENTY FIRST DAY OF FEBRUARY
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE MS JUSTICE B. S. BHANUMATHI

WRIT PETITION NO: 4605 OF 2025

Between:

1. Palakurti Veeraiah, S/o. Late Ulleraiah, Aged 90 Years, Occ: Cultivation, R/o. Kanumalla Village, H/o. Chakicherla Village, Ulavapadu Mandal, SPSR Nellore District. (Erstwhile Prakasam District)
2. Palakurti Kotaiah, S/o. Venkata Swamy, Aged 79 years, Occ: Cultivation, R/o. Chakicherla Village, Ulavapadu Mandal, SPSR Nellore District (Erstwhile Prakasam District).
3. Palakurti Mangamma, W/o. Ramaiah, Aged 68 years, Occ: Cultivation, R/o. Pragathi Colony, Ongole, Prakasam District.
4. Palakurti Venkaiah, S/o. Kotaiah, Aged 60 years, Occ: Cultivation, R/o. Chakicherla Village, Ulavapadu Mandal, SPSR Nellore District (Erstwhile Prakasam District).
5. Palakriti Venkateswaramma, D/o. Katta Ramaiah, Aged 49 years, Occ: Cultivation, R/o. Chakicherla Village, Ulavapadu Mandal, SPSR Nellore District (Erstwhile Prakasam District)

...PETITIONERS

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary to Government, Revenue Department, Secretariat, Velagapudi, Amaravati, Guntur District.
2. District Collector, SPSR Nellore District(Erstwhile Prakasam District)
3. Revenue Divisional Officer, Kandukur Revenue Division, SPSR Nellore District(Erstwhile Prakasam District).
4. Tahsildar, Ulavapadu Mandal, SPSR Nellore District(Erstwhile Prakasam District).

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of the 4th respondent in interfering with the properties of the petitioners under the guise of Notice dated 15.09.2023 issued by the 4th respondent under Form-1 without issuing Form-II Notice for the petitioners lands in Survey-Nos. 392-7, 392-5, 393, 391-1 and 392-1 A3 of Chakicherla Village in Ulavapadu Mandal of SPSR Nellore District(Erstwhile Prakasam District), as illegal, irregular, irrational, violative of principles of natural justice, provisions of Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 and offends Articles 14, 21 and 300-A of Constitution of India and consequently direct the respondents interfere in any manner with my peaceful possession and Village in natural not to enjoyment over the petitioners said lands by set-aside the said impugned notices.

IA NO: 1 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct the respondents not to interfere in any manner with my peaceful possession and enjoyment over the petitioners lands situated in Survey Nos. 392-7, 392-5, 393, 391-1 and 392-1A3 of Chakicherla Village in Ulavapadu Mandal of SPSR Nellore District(Erstwhile Prakasam District) by suspend the notices dated 15.09.2023 issued under Form-1, pending disposal of the main writ petition.

Counsel for the Petitioners : SRI SRINIVAS AMBATI

Counsel for the Respondents: GP FOR ASSIGNMENT

The Court made the following: ORDER

APHC010367302025

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3311]**
(Special Original Jurisdiction)

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TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE MS JUSTICE B S BHANUMATHI

WRIT PETITION NO: 4605/2025

Between:

Palakurti Veeraiah and others **...PETITIONER(S)**

AND

The State of Andhra Pradesh and others **...RESPONDENT(S)**

Counsel for the Petitioner(S):

1.SRINIVAS AMBATI

Counsel for the Respondent(S):

1.GP FOR ASSIGNMENT

The Court made the following:

ORDER:

This writ petition is filed under Article 226 of the Constitution of India praying to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the action of the 4th respondent in interfering with the properties of the petitioners under the guise of notice dated 15.09.2023 issued by the 4th respondent under Form-1 without issuing Form-II Notice for the petitioners' lands in Survey Nos.392-7, 392-5, 393, 391-1 and 392-1 A3 of Chakicherla Village in Ulavapadu Mandal of SPSR Nellore District (Erstwhile Prakasam District), as illegal, irregular, irrational, violative of principles of natural justice, provisions of Andhra Pradesh Assigned Lands

(Prohibition of Transfers) Act. 1977 and offends Articles 14, 21 and 300-A of Constitution of India.

2. The case of the petitioner is briefly as follows:

a) The 1st petitioner is the absolute owner, possessor and enjoyer of the agricultural land an extent of Ac.0.88 cents in S.No.392-7 situated at Chakicherla village, Ulavapadu Mandal, SPSR Nellore District (erstwhile Prakasam District), having acquired the same by way of assignment patta. The 2nd petitioner is the absolute owner of agricultural land in S.No.392-5, the 3rd petitioner is the absolute owner of an extent of Ac.0.70 cents in S.No.393, the 4th petitioner is absolute owner of an extent of Ac.1.70 cents in S.No.391/1 and the 5th petitioner is the absolute owner of an extent of Ac.0.88 cents. All the said assignment pattas were granted in favour of the petitioners in the year 1990 onwards. After granting the said pattas, the petitioners and their family members have been cultivating the said property without interruption by anybody at any point of time. The respondent authorities granted pattadar pass books and mutated the names of the petitioners in all revenue records and web land revenue records.

b) The Tahsildar, Ulavapadu Mandal, the 4th respondent, issued notice vide R.C.B/152/2023 dated 27.12.2019 in Form-I under Rule 3 of A.P.Assigned Lands (Prohibition of Transfer) Act, 1977. Then, the petitioner submitted written explanation in person to the said show cause notice, thereby denying the said allegations and submitting objections and reply to the notice as well as true facts stating that the said facts. The respondents do not have authority or sanction of law to interfere with the petitioners' peaceful possession and enjoyment of landed property and issue the impugned notice in Form-I. The 4th respondent did not issue notices both in Forms-I and II.

3. The learned counsel for the petitioners submitted as in the writ petition and vehemently contended that the authorities have to issue Form-I and Form-II notices to the transferor and the same have to be issued to the transferee too but the said procedure contemplated under law had not been followed, however they are trying to highhandedly dispossess the petitioners.

4. The learned Assistant Government Pleader for Revenue submitted that he has no written instructions, however submitted that if this Court comes to the conclusion that procedure of law had not been followed by the authorities, liberty may be given to the authorities to take steps afresh as per law.

5. Rule 3 of Andhra Pradesh Assigned Lands (Prohibition of Transfers) Rules, 2007 deals with the following procedure:

> "3. Procedure for eviction of the transferee and taking possession and restoration of assigned lands:
>
> The District Collector or the Authorised Officer, shall, before taking action under clauses (a) and (b) of sub-section (1) of Section 4 of the Act, issue notices in Form No.1 and Form II to the persons who have transferred and also to the persons who have acquired any assigned land in contravention of the provisions of sub-section (2) of Section 3 of the Act. The notices shall be served by delivering a copy 9on transferor and transferee or some adult male member of the family of such transferor or transferee at their usual place of above or to their authorized agent or by affixing a copy thereof at some conspicuous place of their last known place of residence or on some conspicuous part of the assigned land. After the expiry of (fifteen) 15 days specified in the notice, the District Collector or

the Authorised Officer shall consider the representation, if any, received with reference to the said notice and pass such orders as he thinks fit and proper. If it is held that the provisions of sub-sections (1) and (2) of Section 3 of the Act, have been contravened in respect of any assigned land, a copy of the order shall be communicated to the Village Officer concerned under whose territorial jurisdiction the land is situated for taking possession of the land and thereupon the land shall be disposed of in accordance with the provisions of Section 4 of the Act."

6. Since the facts stated by the petitioners, with the support of the documents enclosed with the petition, could show that procedure as contemplated under law had not been followed, it is a case fit to interfere with the impugned notice.

7. Accordingly, the writ petition is allowed. The impugned notice vide R.C.B/152/2023 dated 27.12.2019 is set aside. However, liberty is given to the official respondents to issue notices afresh by following due procedure of law.

There shall be no order as to costs.

As a sequel, miscellaneous applications pending, if any, shall stand closed.

//TRUE COPY//

Sd/- A. VENUGOPALA RAO
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary to Government, Revenue Department, State of Andhra Pradesh, Secretariat, Velagapudi, Amaravati, Guntur District.
2. The District Collector, SPSR Nellore District(Erstwhile Prakasam District)
3. The Revenue Divisional Officer, Kandukur Revenue Division, SPSR Nellore District(Erstwhile Prakasam District).

4. The Tahsildar, Ulavapadu Mandal, SPSR Nellore District(Erstwhile Prakasam District).
5. One CC to Sri Srinivas Ambati, Advocate [OPUC]
6. Two CCs to GP for Assignment, High Court of Andhra Pradesh. [OUT]
7. Three C.D. Copies.

Cnr

HIGH COURT

CNR

DATED:21/02/2025



ORDER

WP.No.4605 of 2025

ALLOWING THE W.P.
WITHOUT COSTS