

IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI

THE HON'BLE SRI JUSTICE B KRISHNA MOHAN

WRIT PETITION No.5671 of 2023

V. Mohanamma W/o.
Subbaramanaidu, aged about 64 years,
Occ: Agriculture, Vikrutamala Village,
Yerpedu Mandal, Tirupati District.

.... Petitioner

Versus

The State of Andhra Pradesh, rep. By
its Principal Secretary, Revenue
Department, A.P. Secretariat,
Velagapudi, Amaravati, Guntur District
and 3 others.

....Respondents

ORDER:

Heard the learned counsel for the petitioner and the
learned Assistant Government Pleader for Revenue for the
respondents

2. The grievance of the writ petitioner is that, the 4th
respondent issued the Form-I notice under Rule 3 of the
Andhra Pradesh Assigned Lands (Prohibition of Transfers)
Rules, 2007 dated 13.02.2023 to the petitioner alleging that
the petitioner contravened the sub-section (2) of Section 3 of
the said Act and he was sought for an explanation within 15
days to show cause why the land shall not be resumed to the
Government under Section 4 of the said Act in an extent of
Acres 0.38 cents and Acres 1.20 cents in Survey Nos.427/9

and 428/4 respectively of Vikruthamala Village, Yerpedu Mandal, Tirupati District.

3. The learned counsel for the petitioner submits that, earlier the petitioner gave representation on 30.11.2022 to the 4th respondent with respect to the subject land, but without considering the same, the impugned notice dated 13.02.2023 has been issued.

4. The learned counsel for the petitioner further submits that, the subject land was originally assigned in favour of the petitioner's mother *vide* DKT No.19/4/1401 long ago. During her life time, she enjoyed the possession of the same, after her demise on 20.09.2015 the subject property has been devolved upon the petitioner as one of the legal heirs. The 4th respondent also mutated the name of the petitioner in the revenue records *vide* proceedings dated 30.06.2022 and pattadar passbooks and title deeds were also issued in favour of the petitioner. While so, the impugned notice dated 13.02.2023 is issued by the 4th respondent knowing pretty well that there are disputes between the petitioner and her husband in whose name the alleged transfer was made under the registered sale deed dated 25.05.2018.

5. On the other hand, the learned Assistant Government Pleader for Revenue appearing for the respondents submits that, the petitioner can give a detailed explanation for the impugned show cause notice dated 13.02.2023 to the 4th respondent and if so, the same would be considered by following the due procedure.

6. In view of the above said facts and circumstances, the petitioner is directed to submit a detailed explanation along with the necessary documents to the impugned notice of the 4th respondent dated 13.02.2023 within a period of two (02) weeks from the date of receipt of this order, if not already submitted by now. On receipt of the same, the 4th respondent shall consider the explanation of the petitioner by hearing all the parties concerned. Upon verification of the record and the subject land, the appropriate final decision shall be taken on it within a period of three (03) months thereafter. Till such time, *status quo* as on today shall be maintained with respect to the subject land covered under the impugned Form-I notice dated 13.02.2023 in all respects which is subject to outcome of the final decision of the 4th respondent on its own merits pursuant to the impugned notice dated 13.02.2023.

7. Accordingly, the writ petition is disposed of. There shall be no order as to costs.

As a sequel, Miscellaneous Petitions pending, if any, shall stand closed.

JUSTICE B KRISHNA MOHAN

07.03.2023
PGT