

THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY

WRIT PETITION No. 2213 OF 2020

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking the following relief:

“be pleased to declaring the action of the 3rd respondent in issuing the impugned proceedings in issuing the impugned Form I Notice vide D.Dis.No.445/2019(B) dated 28.11.2019 and consequential proceedings vide D.Dis.No.445/2019(B) dated 13.01.2020 in pursuance to the petitioners schedule premises i.e an extent of Ac.0.95 cents in Sy.No.3-1D, situated at Chebrole Village, Ungutur Mandal, West Godavari District as illegal, arbitrary, contrary to law violation of principles of natural justice, violation of Articles 14, 19 (g) and 300-A guaranteed by the Constitution of India and contrary to the provisions contemplated under AP Assigned Lands (Prohibition of Transfers) Act 1977 and consequently set aside the impugned Form I Notice vide D.Dis.No.445/2019(B) dated 28.11.2019 and consequential proceedings/order vide D.Dis.No.445/2019(B) dated 13.01.2020.”

It is the case of the petitioner that notice in Form-II under Rule 3 of the Andhra Pradesh Assigned Land (Prohibition of Transfers) Rules, 2007 (Rules, 2007) was issued on 28.11.2019, thereafter final order was passed by respondent No.3, which is impugned in the writ petition.

A statutory appeal is provided under Section 4-A of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (for short “the Act”). But, without filing a statutory appeal permissible under the Act, the petitioner approached this Court, which is impermissible, in view of the law declared by the Supreme Court in **“Genpact India Private Limited v. Deputy Commissioner of Income Tax and another¹”**. On this ground alone, writ petition cannot be maintained. Consequently, the writ petition is liable to be dismissed.

¹ (2019) 108 Taxman 340 (Delhi)

In the result, the writ petition is dismissed while granting liberty to the petitioner to file an appeal under Section 4-A of the Act.
No costs.

Consequently, miscellaneous applications pending if any, shall stand closed.

JUSTICE M. SATYANARAYANA MURTHY

03.02.2020
Ksp