



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

[3233]

MONDAY, THE TENTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE B KRISHNA MOHAN

WRIT PETITION NO: 9626/2020

Between:

1.ASHA KIRAN GUMMADI,, S/O. BHASKAR RAO, AGED ABOUT 41 YEARS, OCC. SOFTWARE CONSULTANT, R/O. 2948E, SALT SAGE, DR. PHONEX, ARIZONA (STATE) 85048, USA. REPRESENTED THROUGH GPA HOLDER GUMMADI BHASKAR RAO.

...PETITIONER

AND

- 1.THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, REVENUE DEPARTMENT, SECRETARIAT BUILDINGS, VELAGAPUDI, AMARAVATI, GUNTUR DISTRICT.
- 2.THE DISTRICT COLLECTOR, GUNTUR DISTRICT AT GUNTUR.
- 3.THE REVENUE DIVISIONAL OFFICER, GUNTUR, GUNTUR DISTRICT.
- 4.THE TAHSILDAR, EDLAPADU MANDAL, GUNTUR DISTRICT.

...RESPONDENT(S):

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 topleased to issue an order or direction, more in the nature of Writ of Mandamus in declaring proceedings/ notice in Rc.No.605/2015 dated 27.05.2020 issued by the 4th Respondent to the Petitioner in respect of the scheduled properties, namely, land of extents of Ac.2.37 cents, Ac.0.93 cents, Ac.1.41 cents, Ac.0.67 cents and Ac.2.40 cents in total admeasuring an extent of Ac.7.80 cents

situate in Sy.Nos.315-2C, 317/3B3, 317/3B4, 319/2B1 and 319/2B3 respectively of Vankayalapadu Village, Edlapadu Mandal, Guntur District as being illegal, arbitrary, without jurisdiction, in violation of provisions of A.P.Pattadar Pass books Act, 1971 and A.P. Assignment (POT) Act, 1977 and Rules 2007, and in violation of Articles 14, 19, 21 and 300-A of the Constitution of India, and consequently set aside the said notice Rc.No.605/2015 dated 27.05.2020 issued by the 4th respondent and consequently direct the respondents not to dispossess the Petitioner from the peaceful possession and enjoyment of the subject properties, namely, land of extents of Ac.2.37 cents, Ac.0.93 cents, Ac.1.41 cents, Ac.0.67 cents and Ac.2.40 cents in total admeasuring an extent of Ac.7.80 cents situate in Sy.Nos.315-2C, 317/3B3, 317/3B4, 319/2B1 and 319/2B3 respectively of Vankayalapadu Village, Edlapadu Mandal, Guntur District and pass

IA NO: 1 OF 2020

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the operation of proceedings/ notice in Rc.No.605/2015 dated 27.05.2020 issued by the 4th Respondent to the Petitioner in respect of the scheduled properties, namely, land of extents of Ac.2.37 cents, Ac.0.93 cents, Ac.1.41 cents, Ac.0.67 cents and Ac.2.40 cents in total admeasuring an extent of Ac.7.80 cents situate in Sy.Nos.315-2C, 317/3B3, 317/3B4, 319/2B1 and 319/2B3 respectively of Vankayalapadu Village, Edlapadu Mandal, Guntur District, pending disposal of the above writ petition

IA NO: 1 OF 2021

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased To vacate the interim, order Dt 04-06-2020 passed in WP. 9626/2020 and pass

Counsel for the Petitioner:

1.N ASHWANI KUMAR

Counsel for the Respondent(S):

1.GP FOR REVENUE

The Court made the following Order:

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

2. This writ petition was filed questioning the notice issued by the 4th respondent dated 27.05.2020 under Rule 3 of A.P. Assigned Lands Act, 2007 calling for explanation within three days. As per the said impugned notice dated 27.05.2020 of the 4th respondent, it is alleged that the petitioner was given this impugned notice pursuant to the earlier orders of this court in W.P. No.3882 of 2020. It is alleged that the petitioner purchased the government land from the beneficiaries through different transactions which are detailed in the table mentioned in the above said notice of the 4th respondent dated 27.05.2020.

3. The learned counsel for the petitioner submits that as per Rule 3 of A.P. Assigned Lands (Prohibition of Transfers) Rules, 2007, the 4th respondent ought to have issued Form-I and Form-II notices to the transferors and transferees respectively giving 15 days time to show cause. But in this case, the impugned notice was issued by the 4th respondent by only giving three days time for showing the cause and it cannot be construed as either Form-I or Form-II notices.

4. On the other hand, the learned Assistant Government Pleader relying upon the counter of the 4th respondent submits that, as per the available records, the subject land is recorded as government land and

it was assigned as agricultural land to the landless poor. In pursuance of the orders of this Hon'ble Court in W.P. No.3882 of 2020 dated 19.02.2020 the 4th respondent issued the present impugned notice to the petitioner to offer his explanation for irregular purchase of the subject land from the original assignees vide his office proceedings dated 27.05.2020.

5. In fact the petitioner purchased the subject land through registration from the original assignees in the year 1995 and it is kept vacant on the ground without any cultivation. In fact in the year 2015 the petitioner was given notice under A.P. Assigned Lands (POT) Act, 2007 in respect of Sy.Nos.315, 319 & 356 etc of Vankayalapadu Village. Then the petitioner filed W.P.No.1650 of 2016 and the same was disposed of vide order dated 27.01.2016 directing the petitioner therein to approach the appropriate appellate authority by ordering *status quo* for a period of two weeks. The petitioner approached the appellate authority/ R.D.O. i.e., the 3rd respondent against the notice issued by the 4th respondent and in appeal the orders of the 4th respondent was confirmed, against which, he filed a revision before the Joint Collector, Guntur and the said revision petition is still pending.

6. As per the available records, the petitioner obtained pattadar passbook and title deed erroneously for the purchased land from the 4th respondent. In view of the same, the 4th respondent issued notice to the

petitioner on 27.04.2015 for submission of his explanation for violation of Rule 3 of A.P. Assigned Lands (POT) Act, 2007 as stated supra. The 4th respondent is the competent authority for resumption of the government land (if any violation is noticed) under the provisions of BSO 15. Ultimately, the learned Assistant Government Pleader submits that the petitioner violated the Rule 3 of A.P. Assigned Lands (POT) Act, 2007 by way of purchasing the said lands in Sy.No.315/2C for an extent of Ac.2.37 cents, Sy.No.317/3B3 for an extent of Ac.0.93, Sy.No.317/3B4 for an extent of Ac.1.41 cents, Sy.No.319/2B1 for an extent of Ac.0.67 cents and Sy.No.319/2B3 for an extent of Ac.2.42 cents of Vankayalapadu Village, Edlapadu Mandal, Guntur District from the original assignees through registration in the year 1995. However, the learned Government Pleader is unable to answer whether Form-I and Form-II notices were issued by the 4th respondent in this case or not.

7. In view of the above said facts and circumstances, as the petitioner was asked to submit his explanation to the above said impugned notice of the 4th respondent dated 27.05.2020 and as the revision filed by the petitioner is also pending with the Joint Collector, the 4th respondent is permitted to proceed with the impugned notice dated 27.05.2020 strictly in accordance with law by issuing Form-I and Form-II notices also as per Rule 3 of A.P. Assigned Lands (Prohibition of Transfers) Rules, 2007 if not already issued by now by giving due

opportunity to the petitioner to submit his explanation, for which the petitioner is given 15 days time from the date of receipt of this order to submit his explanation enclosing all the necessary documents in support of his contention and upon receipt of the same, the 4th respondent shall proceed with the necessary enquiry by hearing all the parties concerned including the petitioner giving due opportunity, upon verification of the records and the subject land, appropriate decision shall be taken on its own merits as expeditiously as possible preferably within a period of three (3) months thereafter. Pending the above said enquiry, there shall be an order of status quo as on today to be maintained with respect to the subject land and the same shall be subject to outcome of the above said enquiry.

8. Accordingly, the writ petition is disposed of. Interim order if any, deemed to have been vacated. There shall be no order as to costs.

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

JUSTICE B KRISHNA MOHAN

10.11.2025
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