

(SHOW CAUSE NOTICE BEFORE ADMISSION)

IN THE HIGH COURT OF ANDHRA PRADESH: AT AMARAVATI

(Special Original Jurisdiction)

TUESDAY, THE TWELFTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY THREE

:PRESENT:

THE HONOURABLE SRI JUSTICE NINALA JAYASURYA



WRIT PETITION NO: 23704 OF 2023

Between:

K. Ashabee, W/o Late K. Babulal, Aged about 60 years, Occ- Agriculture, Residing at D.No.1-112, Kollapuramma Temple Street, C.K.Palli Village and Mandal, Sri Sathya Sai District (Erstwhile Anantapuramu District).

Petitioner**AND**

1. The State of Andhra Pradesh, Rep. by it's Principal Secretary, Revenue, Secretariat Buildings, Amaravathi, Guntur District.
2. The Revenue Divisional Officer, Dharmavaram, Sri Sathya Sai District (Erstwhile Anantapuramu District).
3. The Tahsildar, Chinnekothapalli Village, Sri Sathya Sai District (Erstwhile Anantapuramu District).
4. Mangala Gowri Bai, W/o Adinarayana Reddy, Aged about 63 years, Occ- House Wife, R/at D.No. 2-243, Sivalayam Street, C.K. Palli Mandal, Sri Sathya Sai District (Erstwhile Anantapuramu District).
5. Asha Bai, W/o Late Kameswara Rao, Aged about 59 years, Occ- House Wife, Residing at D.No. 1-242, Pandu Street, Hindupur, Sri Sathya Sai District (Erstwhile Anantapuramu District).

Respondents

WHEREAS the Petitioner above named through his Advocate SRI.O.UDAYA KUMAR presented this 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 a Writ of Prohibition declaring the Order of the 2nd Respondent vide Proceedings in D.Dis.No. G/1821/2022, dt.08.08.2023 in resuming the Petitioner's Property under A.P.Assigned Lands (Prohibition of Transfers) Act, 1977 in ROR Appeal filed by the 4th Respondent under section 5(5) of the ROR Act as illegal, coram non judis, usurping the powers of Civil Court, without the jurisdiction vested as per the provisions A.P.Assigned Lands (Prohibition of Transfers) Act, 1977, barred by limitation and besides violation of principles of Natural Justice.

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of SRI.O.UDAYA KUMAR Advocate for the Petitioner and Government Pleader for Revenue for Respondent Nos.1 to 3, directed issue of notice to the Respondent Nos.4 & 5 herein to show cause as to why this WRIT PETITION should not be admitted.

You viz:

1. Mangala Gowri Bai, W/o Adinarayana Reddy, R/at D.No. 2-243, Sivalayam Street, C.K. Palli Mandal, Sri Sathya Sai District (Erstwhile Anantapuramu District).
2. Asha Bai, W/o Late Kameswara Rao, Residing at D.No. 1-242, Pandu Street, Hindupur, Sri Sathya Sai District (Erstwhile Anantapuramu District)

are be and hereby directed to show cause either appearing in person or through an Advocate, as to why in the circumstances set out in the petition and the affidavit filed therewith (copy enclosed) this WRIT PETITION should not be admitted on or before 11.10.2023 on which date the case stands posted for hearing.

IA NO: 1 OF 2023

Petition under Section 151 CPC is filed praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to suspend the Order of the 2nd Respondent vide Proceedings in D.Dis.No.G/1821/2022, dt.08.08.2023, pending disposal of the Writ Petition No. 23704 of 2023, on the file of the High Court.

THE COURT MADE THE FOLLOWING ORDER:

Heard learned counsel for the petitioner.

Learned Assistant Government Pleader for Revenue seeks time to secure written instructions in the matter.

Issue notice to respondent Nos. 4 and 5.

Learned counsel for the petitioner is permitted to take out personal notice on respondent Nos.4 and 5 by registered post with acknowledgement due and file proof of service in the Registry, by the date of next adjournment.

Considering the submissions made and in the light of the specific grounds raised, including that in a proceedings under the provisions of the A.P. Rights in Land and Pattadar Pass Books Act, 1971, the respondent No.2 invoked the powers under the A.P. Assigned Lands (Prohibition of Transfers) Act, 1977 and the impugned order is not sustainable for the said reason, there shall be stay of all further proceedings, pursuant to the order dated 08.8.2023.

List the matter after four (4) weeks.

**SD/-B.CHITTI JOSEPH
ASSISTANT REGISTRAR**

//TRUE COPY//

For ASSISTANT REGISTRAR

To,

1. Mangala Gowri Bai, W/o Adinarayana Reddy, R/at D.No. 2-243, Sivalayam Street, C.K. Palli Mandal, Sri Sathya Sai District (Erstwhile Anantapuramu District).
2. Asha Bai, W/o Late Kameswara Rao, Residing at D.No. 1-242, Pandu Street, Hindupur, Sri Sathya Sai District (Erstwhile Anantapuramu District) (1 to 5 by RPAD- along with a copy of petition and affidavit)
3. One CC to SRI.O.UDAYA KUMAR Advocate [OPUC]
4. Two CCs to GP FOR REVENUE, High Court Of Andhra Pradesh. [OUT]
5. One spare copy

SRL

HIGH COURT

NJSJ

DATED:12/09/2023

NOTE: LIST THE MATTER AFTER FOUR (4) WEEKS

NOTICE BEFORE ADMISSION

WP.No.23704 of 2023

STAY

