

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

TUESDAY, THE SEVENTH DAY OF FEBRUARY,
TWO THOUSAND AND TWENTY THREE

:PRESENT:

**THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO
WRIT PETITION NO: 2930 OF 2023**



Between:

Edupuganti Udaya Bhaskar Rao @ Bhaskar Rao, S/o. Satyanarayana, Aged about 72 years, Occ: Agriculture, R/o. Door No.3-39/1, Jagannadhapuram Village Tadepalligudem Mandal, West Godavari District.

...Writ Petitioner

AND

1. The State of Andhra Pradesh, Represented by its Principal Secretary, Revenue Dept., Secretariat Buildings, Velagapudi, Thullur Mandal, Amaravathi, Guntur District.
2. The District Collector, West Godavari District at Eluru.
3. The Tahsildar, Tadepalligudem Mandal, West Godavari District.

...Respondents

Petition under Article 226 of the Constitution of India is filed praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the 3rd Respondent in issuing notice in Form II dated 4.01.2023 invoking the provisions of The Andhra Pradesh Assigned Lands (Prohibition of Transfer) Act, 1977 and the Rules made thereunder in respect of Petitioner's land admeasuring Ac.1-77 1/2 cents situated in Sy. No. 541/3 of Jagannadhapuram Village, Tadepalligudem Mandal, West Godavari District as illegal, arbitrary, colorable exercise of power, non-application of mind, in Violation of Article 14 and 300-A of the Constitution of India, and consequently to quash the notice in Form II dated 4.01.2023 invoking the provisions of The Andhra Pradesh Assigned Lands (Prohibition of Transfer) Act, 1977 and the Rules made thereunder in respect of Petitioner's land admeasuring Ac.1-77 1/2 cents situated in Sy. No. 541/3 of Jagannadhapuram Village, Tadepalligudem Mandal, West Godavari District.

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 petition, the High Court may be pleased to grant stay of all further proceedings pursuant to notice in Form II dated 4.01.2023 issued under the provisions of the The Andhra Pradesh Assigned Lands (Prohibition of Transfer) Act, 1977 and the Rules made thereunder in respect of Petitioner's land admeasuring Ac.1-77 1/2 cents situated in Sy. No. 541/3 of Jagannadhapuram Village, Tadepalligudem Mandal, West Godavari District, Pending disposal of WP 2930 of 2023, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of T VISHNU TEJA Advocate for the Petitioner, GP FOR REVENUE for the Respondents and the Court made the following

ORDER:

"This is the case of the petitioner, that his father has purchased the property from the original assignee Balem Styavathi, by Registered Sale Deed vide Doc.No.3053/1973, dated 29.09.1972. The petitioner has purchased the property in 1972. Therefore, without issuing any notice under Form-I to the original assignee the respondents herein, cannot issue notice under Form-II to the petitioner herein and also the petitioner relies on the judgment of this honourable Court, in the case of S.Santhanam Versus State of A.P. and others reported in 2006 ALD 566(DB) of Division Bench. The Division Bench, of this Honourable Court in paragraph No.19, for the proposition "that the respondents do not have any power to invoke after a long lapse of period though the assignment given by the assignee."

In view of the said proposition of law, there shall be an interim direction to the respondents herein to stay all further proceedings, issued under Form-II dated 04.01.2023.

Post after four (04) weeks, for filing of counter."

Sd/- K. SRINIVASA RAJU
ASSISTANT REGISTRAR

//TRUE COPY//

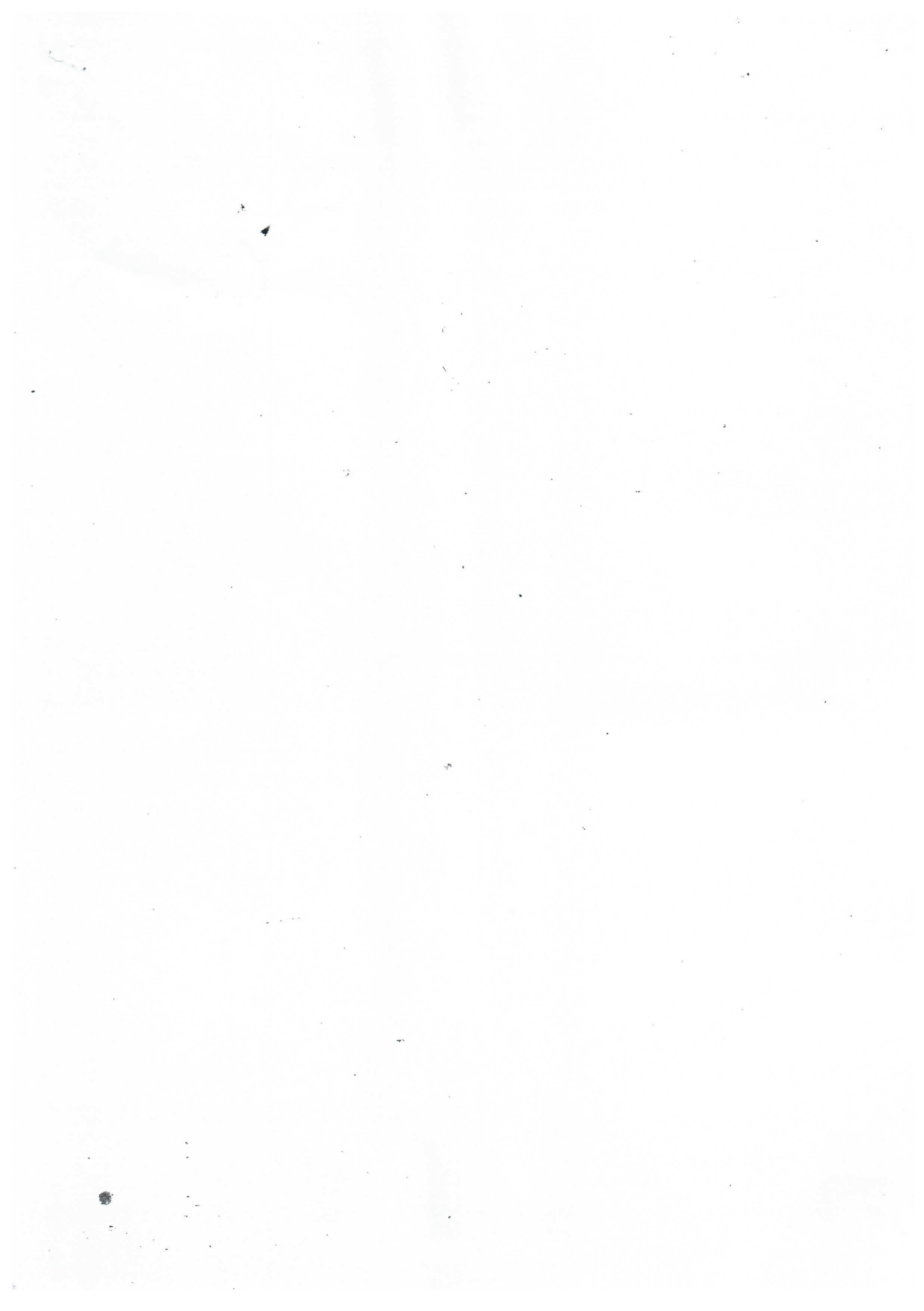
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SECTION OFFICER

To,

1. The Principal Secretary, The State of Andhra Pradesh, Revenue Dept., Secretariat Buildings, Velagapudi, Thullur Mandal, Amaravathi, Guntur District.
2. The District Collector, West Godavari District at Eluru.
3. The Tahsildar, Tadepalligudem Mandal, West Godavari District.(1 to 3 by RPAD)
4. One CC to SRI. T VISHNU TEJA Advocate [OPUC]
5. Two CCs to GP FOR REVENUE ,High Court Of Andhra Pradesh. [OUT]
6. One spare copy.

PSD



HIGH COURT

TRR,J

DATED:07/02/2023

NOTE: POST AFTER FOUR (04) WEEKS, FOR FILING OF COUNTER

ORDER

WP.No.2930 of 2023

INTERIM STAY

