

HIGH COURT OF ANDHRA PRADESH : AMARAVATI

HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION No. 2930 of 2023

Between

Edupuganti Udaya Bhaskar Rao @ Bhaskar Rao,
S/o. Satyanarayana, aged about 72 years,
Agriculture, R/o. D.No.3-39/1, Jagannadhapuram
village, Tadepalligudem Mandal, West Godavari
District.

... Petitioner

AND

The State of Andhra Pradesh, rep. by its Principal
Secretary, Revenue Department, Secretariat
buildings, Velagapudi, Thullur Mandal, Amaravati,
Guntur District and 2 others.

... Respondents

Counsel for the petitioner

: Sri T. Vishnu Teja

Counsel for respondents

: Learned Government Pleader for
Revenue and learned
Government Pleader for
Assignment

ORDER

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

“.... to issue a Writ Order or Direction more
particularly one in the nature of Writ of Mandamus
declaring the action of the respondent No.3 in issuing
notice in Form-II, dated 04-01-2023 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.1-77½ cts situated in survey No.541/3 of Jagannadhapuram village, Tadepalligudem Mandal, West Godavari District is illegal and arbitrary....”

2. The averments, in brief, in affidavit are that an extent of Ac.3-55 cts in S.No. 541/3 of Jagannadhapuram Village, originally belonged to Balem Satyavathi. To meet her family necessities, she mortgaged the land with the New Tadeaplligudem Co-operative Bank. To repay the loan, she sold Ac.1-77 ½ cts out of the total extent of Ac.3-55 cts in S.No. 541/3 to Edupuganti Satyanarayana under a registered sale deed dated 3-6-1972. Since the date of purchase petitioner's father Satyanarayana has been in possession till his death on 11-8-2016. The land was devolved upon petitioner. Petitioner has been in possession and enjoyment of land.

3. As the matter stoodthus, Respondent No.3 issued notice dated 04-1-2023 in Form No.II to the petitioner under the provisions of A.P.Assigned Lands (prohibition of transfer)

Rules 2007 herein after referred to as 'Rules'. Assailing the same, the writ petition is filed.

4. The counter filed by respondent No.3 would disclose that Form No.II alone was issued to transferee and no notice was issued to the transferor.

5. Heard Sri T.Vishnu Teja counsel for the petitioner and learned Assistant Government Pleader, Revenue. Counsel for the petitioner while reiterating the contentions in the writ affidavit would further contend that the notice in Form-I was not issued. On that ground alone the notice issued in Form-II was liable to be set aside. Learned Assistant Government Pleader would support of issuance of Notice in Form-II.

6. Whether issuance of notice in Form-I & II, as per Sec 3 of the Act the Rules, to the petitioner is mandatory. If not, the notice issued in Form-II to the petitioner is liable to be set aside.

7. The answer to the question is no longer res integra. This court in W.P.No.1312 of 2020 held that issuance of notice in Form-I and Form-II to both transferor and transferee is mandatory as per Rule 3 of the Rules. Learned

single judge placed reliance upon **M/s Sudalagunta Sugars Limited Vs the Joint Collector, Chittoor and another**¹.

8. In view of the same, notice issued in Form-II to the petitioner is set aside. The writ petition is disposed of, directing the respondent No.3-Tahsildar to follow the procedure under Rule 3 of the Rules duly issuing Form Nos. I and II to the transferor and transferee and pass appropriate orders.

9. Accordingly, the writ petition is disposed of. No order as to costs.

As a sequel, pending miscellaneous petitions, if any, shall stand closed.

JUSTICE SUBBA REDDY SATTI

Date: 12.05.2023
SR

¹ **2017 (2) ALD 529**

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