

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH  
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRTY FIRST DAY OF AUGUST  
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE A.GOPAL REDDY**

**WRIT PETITION NO: 15541 of 2004**

Between:

- 1 V.Sai Kumar, S/o.Ramalingam,  
R/o.Nellore Dist.
- 2 Maqbul Basha, S/o.Khadar Basha,  
Ex-serviceman, Nellore Dist.
- 3 Turaka Venkata Narayana Rao, S/o.Somaiah,  
R/o.Nellore Dist.
- 4 Badri Mallikarjuna, S/o.Mahadevaiah,  
R/o.Nellore Dist.
- 5 Syed Rahamunnissa Begum, W/o.Khadar,  
R/o.Nellore Dist.
- 6 Parlapalli Subba Ramaiah, S/o.Seshaiah,  
R/o.Nellore Dist.
- 7 Doneparthi Ramaprasad, S/o.Penchalaiah,  
R/o.Nellore Dist.
- 8 Bitragunta Murahara reddy, S/o.Venkat Reddy,  
R/o.Nellore Dist.

**... PETITIONERS**

**AND**

The Mandal Revenue officer, Manubolu Mandal, Nellore Dist.

**...RESPONDENT**

Petition under Article 226 of the constitution of India praying that in the

circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ order or order direction more one in the nature of writ of Mandamus declare the conditions 22 and 23 laid down in D. Form pattas of the petitioners that they are governed by the provisions of A.P. Assigned lands (POT) Act of 1977 is concerned as illegal, arbitrary not applicable to the cases of Ex- servicemen and consequently set aside the notice issued by the respondent in Rc.D/139/2004 dt.22-7-2004.

**Counsel for the Petitioner: MR.M.SUBBA REDDY**

**Counsel for the Respondents: GP FOR REVENUE**

The Court at the admission stage made the following:

**ORDER:**

Petitioners who are Ex-service men claim to have been assigned various extents of lands during the year 1996-1997, with a condition that the lands assigned cannot be transferred and if any transfer takes place, the same is liable for action under the provisions of A.P. Assigned Lands (Prohibition of Transfers) Act 1977 (for short 'the Act'). Alleging that the petitioners violated the condition, a show cause notice was issued under Section 3 of the Act calling upon the petitioner to submit his explanation within 15 days from the date of receipt of the notice why the petitioner should not be evicted from the lands for violation of the conditions of the assignment.

2. Petitioner, without offering explanation to the said show cause notice, filed the present Writ Petition alleging that conditions 22 and 23 imposed are arbitrary, illegal and liable to be set aside. Section 3 of the Act is not applicable to the assignments made in favour of the petitioner since the Government itself relaxed the conditions that any Ex-service man can alienate the said lands after expiry of 10 years from the date of assignment. Admittedly, the 10 years period has not expired. In view of the same, the petitioners cannot alienate the same before the expiry of 10 years even under the exemption granted by the Government.

3. Learned counsel for the petitioners contends that in fact the petitioners did not transfer the said lands in favour of third parties and still they are in possession. If that were the case, petitioners

have to submit their explanation within a period of two weeks from today and on such submission of explanation, respondents shall provide opportunity of hearing about the violation of conditions, if any, and only after due enquiry into the matter, can pass appropriate orders. All contentions that action cannot be initiated under Section 3 of the Act are left open to be urged before the appropriate authority. If any orders adverse to the interest of the petitioners are passed, the same shall not be implemented till the time for filing an appeal is expired from the date of communication of such order.

3. The Writ Petition is accordingly disposed of. No costs.

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**GOPAL REDDY, J**

August 31, 2004

**MRR/MURTHY**

**To:**

1. The Mandal Revenue officer, Manubolu Mandal, Nellore Dist.
2. Two C.C.s to the G.P. for Revenue, High Court Buildings, Hyderabad (OUT).
3. Two C.D. Copies.

