

[3331]

**IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)**

FRIDAY, THE TWELFTH DAY OF MAY
TWO THOUSAND AND TWENTY THREE

:PRESENT:

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI
WRIT PETITION NO: 2164 OF 2023



Between:

1. Mooli Ramachandra Reddy, S/o. Mooli Narayana Reddy, Aged about 62 years, Occ.Agriculture, R/o. H.No.6-886, Ajad Nagar, Kalyandurgam bypass Road, Anantapuramu, Anantapuramu District.
2. Mooli Venkata Lakshmi, W/o. M.Ramachandra Reddy, Aged about 55 years, Occ.Housewife, R/o. H.No.6-886, Ajad Nagar, Kalyandurgam bypass Road, Anantapuramu, Anantapuramu District.
3. Smt. V.Adinarayanamma, W/o. Late Mooli Raghurami Reddy, Aged about 53 years, Occ.APO, DWMA, Anantapuramu, R/o. H.No.5-1, Behind Razaak Function Hall, N.R Colony, Anantapuramu, Anantapuramu District.
4. Mooli Raghava Reddy, S/o. Narayana Reddy, Aged about 56 years, Occ.Agriculture, R/o. Kamarupalli Village, Anantapuramu Rural Mandal, Anantapuramu District.

Petitioners

AND

1. The State of Andhra Pradesh, Revenue Department, Secretariat, Velagapudi, Amaravathi, Guntur District. Rep. by its Principal Secretary.
2. The District Collector, Anantapuramu, Anantapuramu District.
3. The Revenue Divisional Officer, Anantapuramu, Anantapuramu District.
4. The Tahsildar, Anantapuramu Mandal, Anantapuramu District.
5. Mooli Venkata Siva Reddy, S/o. M.Bala Nagi Reddy, Aged about 69 years, Occ. Retired Employee, R/o. D.No.1-4-599, H.L.O Colony, Anantapuramu Anantapuramu District.
6. Mooli Venkatarami Reddy, S/o. M.Bala Nagireddy, Aged about 65 years, Occ.Retd. Employee, R/o. D.No.1-320, Dwaraka Nagar, Anantapuramu Anantapuramu District.
7. Mooli Sreerami Reddy, S/o. M.Bala Nagi Reddy, Aged about 61 years, Occ.Agriculture, R/o. Kamarupalli Village, Anantapuramu Mandal, Anantapuramu District.
8. Mooli Venkata Subba Reddy, S/o. M.Bala Nagi Reddy, Aged about 56 years, Occ.Business, R/o. Kamarupalli Village, Anantapuramu Mandal, Anantapuramu District.
9. Mooli Venkata Ranga Reddy, S/o. M.Rami Reddy, Aged about 42 years, Occ.Private Employee, R/o. Nandamuri Nagar, Kalyandurgam Road, Anantapuramu, Anantapuramu District.

Respondents

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 of certiorari or any other appropriate writ or direction calling for the records relating to the order of the 3rd respondent issued in D.Dis.D2(b)/ 1573/2020, dated 09-01-2023 and quash the same.

IA NO: 1 OF 2023

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 order of the 3rd respondent issued in D.Dis.D2(b)/1573/2020, dated 09-01-2023, Pending disposal of WP 2164 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 M/s. O M R Law Firm Advocate for the Petitioners, GP for Revenue for the Respondent Nos. 1 to 4, and the Court made the following:

ORDER

"This writ petition is filed challenging the order passed by the Revenue Divisional Officer (RDO), Ananthapuramu with D.Dis.No. D2(B)/1573/2020 dated 09.01.2023.

An appeal was filed by un-official respondents under section 5(5) of Andhra Pradesh Rights in Land and Pattadar Passbooks Act, 1971. By order impugned Revenue Divisional Officer allowed the appeal.

As seen from the order, the learned Revenue Divisional Officer (RDO) observed as follows:

"It is a settled law that period of limitation is not applicable to the family members and also the date on which the appellant came to know about the irregularities starts the limitation period"

This requires examination.

Learned senior counsel for the petitioners would submit that taking advantage of the order passed by Revenue Divisional Officer (RDO), unofficial respondents are alienating the properties.

In the circumstances of the case, both the petitioners and respondent Nos.5 to 9 are directed not to alienate the properties to an extent of Ac.2.02 ½ cents in Sy.No.151; Ac.3.11 ¼ cents in Sy.No.152; Ac.0.78 ¾ cents in Sy.No.153; Ac.4.22 cents in Sy.No.198; Ac.8.05 ½ cents in Sy.No.199 and Ac.1.25 cents in Sy.No.218 of Kamarupalli Village; Ananthapuramu Mandal and District, pending further orders.

In the meantime, respondent Nos.5 to 9 shall file counter as also the respondent No.3.

List the matter on 18.06.2023."

Sd/- P. VINOD KUMAR
ASSISTANT REGISTRAR

SECTION OFFICER

//TRUE COPY//

For

To,

1. The Principal Secretary, Revenue Department, State of Andhra Pradesh, Secretariat, Velagapudi, Amaravathi, Guntur District.
2. The District Collector, Anantapuramu, Anantapuramu District.
3. The Revenue Divisional Officer, Anantapuramu, Anantapuramu District.
4. The Tahsildar, Anantapuramu Mandal, Anantapuramu District.
5. Mooli Venkata Siva Reddy, S/o. M.Bala Nagi Reddy, Aged about 69 years, Occ. Retired Employee, R/o. D.No.1-4-599, H.L.O Colony, Anantapuramu Anantapuramu District.
6. Mooli Venkatarami Reddy, S/o. M.Bala Nagireddy, Aged about 65 years, Occ.Retd. Employee, R/o. D.No.1-320, Dwaraka Nagar, Anantapuramu Anantapuramu District.
7. Mooli Sreerami Reddy, S/o. M.Bala Nagi Reddy, Aged about 61 years, Occ.Agriculture, R/o. Kamarupalli Village, Anantapuramu Mandal, Anantapuramu District.
8. Mooli Venkata Subba Reddy, S/o. M.Bala Nagi Reddy, Aged about 56 years, Occ.Business, R/o. Kamarupalli Village, Anantapuramu Mandal, Anantapuramu District.
9. Mooli Venkata Ranga Reddy, S/o. M.Rami Reddy, Aged about 42 years, Occ.Private Employee, R/o. Nandamuri Nagar, Kalyandurgam Road, Anantapuramu, Anantapuramu District.(1 to 9 by RPAD)
10. One CC to M/s. O M R Law Firm Advocate [OPUC]
11. Two CCs to GP for Revenue/High Court Of Andhra Pradesh. [OUT]
12. One CC to Sri Maheswara Rao, Advocate [OPUC]
13. One spare copy

RVK



HIGH COURT

SRSJ

DATED:12/05/2023

LIST THE MATTER ON 18.06.2023

ORDER

WP.No.2164 of 2023

DIRECTION

