

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

WEDNESDAY, THE TENTH DAY OF FEBRUARY,
TWO THOUSAND AND TWENTY ONE

:PRESENT:

THE HONOURABLE SRI JUSTICE NINALA JAYASURYA

IA Nos. 1, 2, 3 & 4 OF 2021

IN

WP NO: 3175 OF 2021

Between:

1. Fransis Britto Arogyam, S/o. Muttaiah Arogyam @ Sebastian Arygya Swamy
2. Bontha Mariya Rojamma, D/o Souri
3. Pidamuttu Chandram, S/o Pitchaiah,
4. Bahadur Rajendra, S/o. Heera Bahadur,
5. Angirekula Anjaneyulu, w/o. Subba Rao
6. Mantri Sarathi, S/o. Sivaiah,
7. Rayapati Prathyusha, D/o. R.Nagabushanam.
8. S. Padma, D/o. E.Jagan Mohan Rao,

...Petitioners

(Petitioners in WP 3175 OF 2021
on the file of High Court)

AND

1. The State of Andhra Pradesh, Rep by its Principal Secretary, Revenue Department, Secretariat, at Velagapudi, Amaravathi, Guntur District.
2. The District Collector and District Magistrate, Guntur District Guntur
3. The District Revenue Officer, Guntur District Guntur.
4. The Revenue Divisional Officer, Guntur Guntur District
5. The Mandal Revenue Officer, Guntur West, Guntur District
6. The Commissioner, Guntur Municipal Corporation Guntur, Guntur District
7. The Sub Registrar, Nallapadu, Guntur Rural Mandal Guntur, Guntur District.
8. Challa Achhamma, W/o Late Challa Chalama Reddy, R/o Phirangipuram Post and Mandal Guntur District.
9. Medaa Venkata Ram Reddy, S/o Medaa Mallikarjuna Reddy, R/o. 1/3 Lane, Chennaiah gali palle Tanguturu, Kadapa District.
10. Tambela Venugopala Reddy, S/o Tambela Rami Reddy, R/o. D.No 13/56, Kothaindlumandaram, Rajampet, Kadapa District.
11. Gaddam Janardhan Reddy, S/o Gaddam Venkat Reddy, R/o. Marayyagaripalle, Vantimitta, Kadapa District.

...Respondents

(Respondents in-do-)

Counsel for the Petitioners :Sri Ch Vidyasagar

Counsel for the Respondent Nos 1 to 7 : GP for Revenue

IA. No. 1 of 2021: Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in W.P., the High Court may be pleased to direct the 7th Respondent not to entertain any registration in respect of Ac 8-74 Cents in Survey No 563/5 situated at Mathrusree Anasuyamba Nagar in Nallapadu village, Guntur west Mandal, Guntur District when the Respondents No 8 to 11 produced the documents for registration, pending disposal of WP No. 3175 of 2021, on the file of the High Court.

IA. No. 2 of 2021: Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in W.P., the High Court may be pleased to direct the Respondents not enter the petitioners peaceful possession and enjoyment of their respective Plots No's 40, 47, 57, 59, 61, 75, 77 situated "Mathrusree Anasuyamba Nagar" in Survey No. 563/5 an extent of Ac. 8-74 Cents in Nallapadu Village, Guntur West Mandal, Guntur District, pending disposal of WP No. 3175 of 2021, on the file of the High Court.

IA. No. 3 of 2021: Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in W.P., the High Court may be pleased to direct the 6th Respondent not to give any permission/sanctions in respect of Ac 8-74 Cents in Survey No. 563/5 situated at "Mathrusree Anasuyamba Nagar" in Nallapadu Village, Guntur West Mandal, Guntur District, when the Respondents No. 8 to 11 approached for necessary permissions/sanctions, pending disposal of WP No. 3175 of 2021, on the file of the High Court.

IA. No. 4 of 2021: Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in W.P., the High Court may be pleased to grant stay of all further proceedings in respect of entries made in the Adangals on 05-01-2021 on the name of the 8th respondent in Survey No. 563/5 an extent of Ac 8-74 cents situated at Mathrusree Anasuyamba Nagar in Nallapadu Village, Guntur West Mandal, Guntur District, pending disposal of WP No. 3175 of 2021, on the file of the High Court.

The court, while directing issue of notice to the Respondents herein to show cause as to why this application should not be complied with, made the following order. (The receipt of this order will be deemed to be the receipt of notice in the case).

ORDER:

Heard the learned counsel for the petitioners and learned Assistant Government Pleader for Revenue.

The writ petition is filed *inter alia* aggrieved by the action of the fifth respondent in entering the name of the eighth respondent in the revenue records in respect of an extent of Acs.8.74 cents in survey No.563/5 situated at "Mathrusree Anasuyamba Nagar" in Nallapadu Village, Guntur District on 05.1.2021 as illegal, arbitrary etc., and to grant consequential reliefs.

Learned counsel for the petitioners submits that the land in question is not an agricultural land and the petitioners purchased various plots in the venture in the name and style of "Mathrusree Anasuyamba Nagar", which was formed as lay-out in the year 1970 through different registered sale deeds and there are about 106 plots in the said venture in an extent of Acs.8.74 cents. He submits that the petitioners have constructed houses in the said plots and in peaceful possession and enjoyment of the same. He further submits that the eighth respondent without disclosing the fact of formation of a lay-out and construction of the houses in the subject matter property misled the official respondents and got mutated her name in the revenue records in respect of the said land and is now trying to obtain Pattadar Pass Books / Title Deeds. He further submits that under the guise of entries / mutation of the name of the eighth respondent in the revenue records, on 06.1.2021 the eighth respondent executed a General Power of Attorney in favour of respondent Nos.9 to 11 and the said respondents with their political power are trying to dispossess the petitioners from the subject matter property. He also submits that aggrieved by the action resorted to at the behest unofficial respondent No.8, some of the plot owners filed Writ Petition No.1716 of 2021 and interim orders were granted on 22.1.2021. Learned counsel submits that the action of the official respondents,

in mutating the name of the eighth respondent without issuing any notice or calling for objections from the petitioners, who are in possession and enjoyment of the property for the last fifty (50) years by constructing dwelling houses, is not sustainable in law and contrary to the provisions of the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971. He further submits that unless interim reliefs as prayed for are granted, the petitioners would be dispossessed from the subject matter property as the unofficial respondents are resorting to high-handed action of demolition of the structures and would be subjected to serious prejudice and irreparable loss.

Learned Assistant Government Pleader for Revenue, on instructions, submits that notices were issued to the concerned parties and objections were also called for. However, no specific dates on which such notices were issued or objections were called for is placed before this Court and he seeks time to produce the relevant material before this Court, if some time is granted.

This Court has come across several matters of this nature with specific allegation that the entries in the revenue records, which are in the petitioner's names have been deleted and the names of the unofficial respondents were mutated without issuing appropriate notices as contemplated under the provisions of the above said Act and the Rules framed thereunder. This Court has also noticed that in some matters, after filing of Writ Petitions, the concerned authority is reincorporating the names which were deleted earlier without following the procedure as per law.

Though this Court is granting ample opportunity to the official respondents through learned Government Pleader for Revenue, however, he is not getting proper assistance in these matters from the concerned officers of the Revenue Department, who are responsible for entertaining the applications for mutation of the revenue records and effecting changes in the revenue records.

This Court has serious doubts as to whether some of the officers are acting due to extraneous reasons or under the political pressure. As the allegation in most of these cases is with reference to non-issuance of notices as contemplated under law and such actions are contrary to the judgment of the Full Bench in *Chinnam Pandurangam v. The Mandal Revenue Officer, Serilingampally Mandal*, 2007 (6) ALD 348, the same require consideration after filing of detailed counter by the respondents. However, this Court deems it appropriate that a counter affidavit shall be filed by the Principal Secretary, Revenue Department after calling for reports from the concerned District Collectors as to whether the Tahsildars / Mandal Revenue Officers are strictly adhering to the requirement of law and in terms of the Hon'ble Full Bench

referred to above, before effecting changes in the revenue records and carrying out mutations in respect of the concerned applicants in the revenue records.

Let the counter affidavit be filed by the Principal Secretary, Revenue Department as indicated above including with reference to the contentions raised in the present case, within a period of four weeks from today.

However, considering the submissions made by learned counsel for the petitioners in the present case and perusing the material on record, this Court is satisfied that the petitioners have made out *prima facie* case and the balance of convenience is in their favour for grant of interim orders as prayed for in the respective Interlocutory Applications.

Accordingly, there shall be interim directions as prayed for in I.A.Nos.1, 2, 3 and 4 of 2021.

List the matter after four weeks.

In the meanwhile, learned counsel for the petitioners is permitted to take out personal notice to respondent Nos.8 to 11 and file proof of service in the Registry within a period of three weeks.

Sd/-M.RameshBabu
ASSISTANT REGISTRAR
P. Ram
SECTION OFFICER

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To,

1. The Principal Secretary, Revenue Department, State of A.P., Secretariat, at Velagapudi, Amaravathi, Guntur District.
2. The District Collector and District Magistrate, Guntur District Guntur
3. The District Revenue Officer, Guntur District Guntur.
4. The Revenue Divisional Officer, Guntur Guntur District
5. The Mandal Revenue Officer, Guntur West, Guntur District
6. The Commissioner, Guntur Municipal Corporation Guntur, Guntur District
7. The Sub Registrar, Nallapadu, Guntur Rural Mandal Guntur, Guntur District.
8. Challa Achhamma, W/o Late Challa Chalama Reddy, R/o Phirangipuram Post and Mandal Guntur District.
9. Medaa Venkata Ram Reddy, S/o Medaa Mallikarjuna Reddy, R/o. 1/3 Lane, Chennaiah gari palle Tanguturu, Kadapa District.
10. Tambela Venugopala Reddy, S/o Tambela Rami Reddy, R/o. D.No 13/56, Kothaindlumandaram, Rajampet, Kadapa District.
11. Gaddam Janardhan Reddy, S/o Gaddam Venkat Reddy, R/o. Marayyagaripalle, Vantimitta, Kadapa District. **(Addressee Nos 1 to 11 by RPAD)**
12. One CC to Sri. CH Vidyasagar, Advocate [OPUC]
13. Two CCs to GP for Revenue, High Court Of Andhra Pradesh. [OUT]
14. One spare copy

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HIGH COURT

NJS,J

DATED:10/02/2021

NOTE: LIST THE MATTER AFTER FOUR WEEKS

ORDER

**IA. Nos 1, 2, 3 and 4 of 2021
IN
WP.No.3175 of 2021**

DIRECTION

