

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

MONDAY, THE FOURTH DAY OF MARCH,
TWO THOUSAND AND TWENTY FOUR

:PRESENT:

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI
WRIT PETITION NO: 3501 OF 2024



Between:

1. Yelakala Venkati, S/o Venkata Naidu Aged about 65 years R/o BC Colony, Budaravalasa Vizianagaram District.
2. Yelakala Satyavathi, D/o Saridi Surrapuudu Aged about 58 years, R/o BC Colony Budaravalasa, Vizianagaram District.
3. Yelakala Chakradhar Rao, S/o Venkati Aged about 36 years, R/o BC Colony Budaravalasa, Vizianagaram District.
4. Yelakala Poornachandra Rao, S/o Venkta Naidu Aged around 50 years, R/o BC Colony, Budaravalasa, Vizianagaram District.
5. Yelakala Shanmukha Rao, S/o Venkata Naidu, Aged about 65 years, R/o BC Colony Budaravalasa Vizianagaram District
6. Yelakala Lakshamana Rao, S/o Venkata Naidu Aged about 65 years, R/o BC Colony Budaravalasa, Vizianagaram District.

...Petitioner/s

AND

1. State of Andhra Pradesh, Rep by its Principal Secretary, Revenue Department, A.P Secretariat, Velagapudi, Amaravathi
2. The District Collector, Vizianagaram
3. The Revenue Divisional Officer, Merakamudidam Mandal, Vizianagaram District.
4. The Mandal Revenue Officer, Merakamudidam Mandal, Vizianagaram District
5. The Village Revenue officer, Budavaralsa Village, Merakamudidam Mandal, Vizianagaram District.

...Respondent/s

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, order or direction more particularly one in the nature of the writ of MANDAMUS declaring (i) the action of the Respondents in unilaterally enumerating/updating the subject lands located in Budarayavalasa Village, Merakamudidam Mandal, Vizianagaram District covered under Khata Nos. 461, 187, 427, 679, 678 and 677 ("Subject Lands") in the disputed register of lands without any prior notice or knowledge of the respective owners; (ii) the action of the Respondent No.4 in unilaterally removing the digital signature against the subject lands as being arbitrary, illegal, unjust, without jurisdiction and contrary to the AP Rights in Land and Pattadar Pass Books Act, 1971 and Andhra Pradesh Rights in Land and Pattadar Pass Books Rules, 1989 besides being violative of principles of natural justice and the fundamental rights of the Petitioners guaranteed under Articles 14, 21 and 300A of the Constitution of India and consequently direct the (i) Respondents herein to remove the subject lands from the disputed register of lands; (ii) Respondent No. 4 to restore the digital signature against the subject lands.

IA NO: 3 OF 2024

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 direct the Respondents to remove the subject lands located in Budarayavalasa Village, Merakamudidam Mandal, Vizianagaram District covered under Khata Nos. 461, 187, 427, 679, 678 and 677 from the dispute register, pending disposal of WP 3501 of 2024, on the file of the High Court.

IA NO: 2 OF 2024

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 direct the Respondents No. 2 to 5 herein to consider the representation dated 04.12.2023 submitted by the Petitioners herein, pending disposal of WP 3501 of 2024, on the file of the High Court.

IA NO: 1 OF 2024

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 direct the Respondent No. 4 to restore the digital signature against the respective survey numbers located in Budarayavalasa Village, Merakamudidam Mandal, Vizianagaram District covered under the Khata Nos. 461, 187, 427, 679, 678 and 677, pending disposal of WP 3501 of 2024, 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 Jyothi Ratna Anumolu, Advocate for the Petitioners and of GP FOR REVENUE for Respondents, the Court made the following

ORDER:

“When the matter is taken up for consideration today, the learned Assistant Government Pleader for revenue, brought to the notice of this Court that, the Tahsildar could not send the instructions on the ground that the records in the office were misplaced.

It is very surprising to see such instructions from Tahsildar office. This Court has serious doubts as to how the revenue authorities are protecting the files. This Court earlier granted four (04) adjournments for getting instructions, as there is no other go, this Court is inclined to grant further one (01) week time, however, the collector concerned shall enquire with the Tahsildar as to how the files have been misplaced and file a report to the said effect before this Court, by the next date of hearing.

Post on 14.03.2024, in the ‘Motion List’.”

//TRUE COPY//

Sd/- B. PRASADA RAO
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary, Revenue Department, State of Andhra Pradesh, A.P Secretariat, Velagapudi, Amaravathi
2. The District Collector, Vizianagaram
3. The Revenue Divisional Officer, Merakamudidam Mandal, Vizianagaram District.
4. The Mandal Revenue Officer, Merakamudidam Mandal, Vizianagaram District
5. The Village Revenue officer, Budavaralsa Village, Merakamudidam Mandal, Vizianagaram District. (Addressee Nos. 1 to 5 by **SPEED POST**)
6. One CC to M/S. JYOTHI RATNA ANUMOLU Advocate [OPUC]
7. Two CCs to GP FOR REVENUE (AP), High Court of Andhra Pradesh. [OUT]
8. One spare copy,

PSD

HIGH COURT

RC,J

DATED:04/03/2024

NOTE: POST ON 14.03.2024 IN THE MOTION LIST.

ORDER

WP.No.3501 of 2024

DIRECTION

