

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

WEDNESDAY, THE SEVENTH DAY OF MAY
TWO THOUSAND AND TWENTY FIVE

:PRESENT:

THE HONOURABLE SRI JUSTICE T.C.D.SEKHAR
WRIT PETITION NO: 3164 OF 2024



Between:

1. Datla Surya Narayana Raju, s/o Datla Satyanarayana Raju, aged about 76 years Occ. Business.
 2. Datla Bala Venkata Satyanarayana Raju, s/o Surya Narayana Raju, aged about 54 years, occ Business
- Both are r/o Plot No.257, Road No.6, Kakatiya Hills, Madhapur, Hyderabad

...Petitioners

AND

1. The State of Andhra Pradesh, rep. by its Principal Secretary, Revenue Department Secretariat, Velagapudi, Amaravati.
2. The District Collector, Eluru District At Eluru.
3. The Revenue Divisional Officer, Pedavegi Revenue Division, Eluru District.
4. The Tahsildar, Pedavegi Mandal, Eluru District.
5. Buddharaju Suryanarayana Raju, s/o Late Seeta Rama Raju, aged about 78 years Occ. Retired Employee, r/o C-4, Raj Enclave, Seethammadhara, Behind NRI Hospital, Visakhapatnam

...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 an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the respondent

authorities in mutating the name of the 5th respondent in the revenue records as Pattadar inspite of the reminder objections submitted by the petitioners dt. 9-9-2023 contrary to the amended provisions of pattadar pass Books Act Act 15 of 2022, as being illegal, arbitrary, unjust, unconstitutional and consequently direct the respondent authorities to set aside the mutation of the name of the 5th respondent in the revenue records dt. 13-10-2023 till disposal of the legal proceedings.

IA NO: 1 OF 2024

Petition under Section 151 of CPC is filed praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to pass orders directing the respondent authorities to delete the name of the 5th respondent from the revenue records in respect of the land in Sy.No. 249-1 admeasuring Ac.15.05 cents situated at Munduru village, Pedavegi Mandal, Eluru District, Pending disposal of WP 3164 of 2024, on the file of the High Court.

IA NO: 2 OF 2024

Between:

Buddharaju Suryanarayana Raju, s/o Late Seeta Rama Raju, aged about 78 years Occ. Retired Employee, r/o C-4, Raj Enclave, Seethammadhara, Behind NRI Hospital, Visakhapatnam

...Petitioner(s)
(Petitioner/Respondent No.5 in WP 3164 OF 2024
on the file of High Court)

AND

1. Datla Surya Narayana Raju, s/o Datla Satyanarayana Raju, aged about 76 years Occ. Business. R/o Plot No.257, Road No.6, Kakatiya Hills, Madhapur, Hyderabad, Telangana

2. Datla Bala Venkata Satyanarayana Raju, s/o Surya Narayana Raju, aged about 54 years, occ Business R/o Plot No.257, Road No.6, Kakatiya Hills, Madhapur, Hyderabad, Telangana

...Respondents/Petitioners

3. The State of Andhra Pradesh, rep. by its Principal Secretary, Revenue Department, A.P. Secretariat, Velagapudi, Amaravati.
4. The District Collector, Eluru District At Eluru, Andhra Pradesh
5. The Revenue Divisional Officer, Pedavegi Revenue Division, Eluru District, Andhra Pradesh
6. The Tahsildar, Pedavegi Mandal, Eluru District, Andhra Pradesh

**...Respondent(s)
(Respondents/ Respondents 1 to 4 in-do-)**

Petition under Section 151 of CPC is filed praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to vacate the interim order dt.08-02-2024 granted in I.A.No.1 of 2024 in W.P.No.3164/2024, Pending disposal of WP 3164 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 the earlier order of the High Court dated 08.02.2024, made herein and upon hearing the arguments of SRI K SHRIKANTH REDDY, Advocate for the Petitioners, and of GP FOR REVENUE, for the Respondent Nos.1 to 4, and of SRI G.YASWANTH, Advocate for the Respondent No.5, the Court made the following

ORDER:

The case was listed on 05.05.2025, there was no representation for the petitioner either in Forenoon or in the Afternoon. Again the matter is

listed today, there is no representation in the Forenoon and the matter was again passed over, when it is taken for hearing after lunch, there is no representation for the petitioner.

It is the case of the 5th respondent that he filed suit in OS No.112 of 2010, on the file of Special Judge for Trial of Cases under SCs and STs (PoA) Act-cum VII Additional District Judge, Eluru, West Godavari District for specific performance of Agreement of Sale dated 24.10.2019 executed by the petitioners.

Upon contest the said suit was decreed ex-parte on 10.03.2011. In pursuance of the said decree, the Trial Court executed sale deed in favour of the 5th respondent on 21.11.2016. Thereafter, the petitioner filed interlocutory application vide I.A.No.572 of 2017 to condone the delay of 2289 days in filing application to set aside the ex-parte order. The said application was dismissed for default on 20.04.2022.

Thereafter, the petitioner again filed another application seeking to restore I.A.No.572 of 2016, which is pending adjudication.

In view of the decree passed by the Trial Court, the 5th respondent made an application before the 4th respondent seeking to mutate his name in revenue records and accordingly his name was entered into revenue records. Questioning the same, the present writ petition is filed.

The contention of the petitioner is that he filed suit in OS.No.216 of 2017, on the file of Principal Senior Civil Judge, Eluru. Initially, the Trial Court granted injunction against the 5th respondent till 27.11.2017, thereafter the same was not extended. Despite filing of application to vacate the interim order, there was no representation on behalf of the petitioner.

The counsel for the 5th respondent strenuously contends that the writ petition is not maintainable inasmuch as the decree passed in favour of 5th respondent attend finality and the petitioner did not choose to question the same.

Taking into consideration of the submissions made by the 5th respondent, this Court inclined to vacate the interim order dated 08.02.2024 passed in I.A.No.1 of 2024 in the writ petition.

Post the matter after summer vacation, 2025.

Sd/-Sk.Md.Rafi
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Revenue Department, State of Andhra Pradesh, Secretariat, Velagapudi, Amaravati. **(by Special Messenger)**
2. The District Collector, Eluru District At Eluru.
3. The Revenue Divisional Officer, Pedavegi Revenue Division, Eluru District.
4. The Tahsildar, Pedavegi Mandal, Eluru District.
5. Buddharaju Suryanarayana Raju, s/o Late Seeta Rama Raju, aged about 78 years Occ. Retired Employee, r/o C-4, Raj Enclave, Seethammadhara, Behind NRI Hospital, Visakhapatnam **(Addressees 2 to 5 by RPAD)**
6. One CC to SRI. K SHRIKANTH REDDY, Advocate [OPUC]
7. Two CCs to GP FOR REVENUE, High Court of Andhra Pradesh. [OUT]
8. One CC to SRI G.YASWANTH, Advocate [OPUC]
9. One spare copy

PSR

HIGH COURT

TCDS,J

DATED:07/05/2025

NOTE: Post the matter after summer vacation, 2025.

ORDER

WP.No.3164 of 2024

INTERIM ORDER VACATED

