

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

FRIDAY, THE NINTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY FOUR

:PRESENT:

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

IA No. 1 OF 2024

IN

WP NO: 3491 OF 2024



Between:

Palla Ravindra Varma, S/o Late Subramanyam, Aged 44 years, Occ Cultivation, R/o Door No.60-31-156/1, Janata Colony, Malkapuram, Visakhapatnam City, Visakhapatnam District

Petitioner

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary to Government, Revenue Department, Secretariat, Velagapudi, Amaravati, Guntur District.
2. District Collector, Sri Kakulam District.
3. Joint Collector, (Revenue and Rhytu Bharosa), Sri Kakulam District.
4. Revenue Divisional Officer, Sri Kakulam Division, Srikakulam District.
5. Tahsildar, Amadalavalasa Mandal, Srikakulam District.
6. Reddy Rajulu, S/o. Late Appana, Aged 73 years, Occ: Cultivation, R/o. Chinna Jonnavalasa Village, Amadalavalasa Mandal, Srikakulam District.

Respondents

Counsel for the Petitioner : Sri SRINIVAS AMBATI

Counsel for the Respondent Nos. 1 to 6:GP FOR REVENUE

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 operation of proceedings in Rc. No.115/2022/SA, dt.24.01.2024 issued by the 5th respondent and further directs the respondents not to dispossess the petitioner from his Residential House bearing Door No.60-31-156/1, Janata Colony, Malkapuram, Visakhapatnam District constructed in survey numbers 14 of Malkapuram village and 35 of Gullapalem village of Mulagada Mandal in Visakhapatnam district, Pending disposal of WP No. 3491 of 2024, 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.

Sri Srinivas Ambati, learned counsel for the petitioner in elaboration contended that, tahsildar issued proceedings dated 24.01.2024 for cancellation of the registered regularized document dated 06.01.2022 without issuing any notice. Even otherwise, he has no authority or jurisdiction to cancel the same and now by virtue of the said order, petitioner was directed to vacate the subject land. If the same is allowed to continue, it affects the rights of the petitioner. As such, prayed to protect the interest of the petitioner.

On the other hand, Sri E.Kumar, learned Assistant Government Pleader for Revenue submitted that, except stating that no notice was issued, no others grounds which are now urged were raised in the affidavit with regard to jurisdiction or authority of the tahsildar.

In reply, learned counsel for the petitioner contended that, legal propositions need not be pleaded and it can be argued at the time of hearing the case.

Perused the record.

In the impugned order, issuance of notice and providing of opportunity of personal hearing to the petitioner, prima facie, were not found. Whether the tahsildar can recall his own regularized order or not, has to be decided by this court, for which a detailed counter is required. However, in order to meet the ends of justice, this Court is inclined to pass the following interim order:

There shall be a stay of all further proceedings pursuant to the impugned order dated 24.01.2024, pending further orders."

Sd/- U. SRI DEVI
ASSISTANT REGISTRAR

ASS

//TRUE COPY//

For ASS

SECTION OFFICER

To,

1. The Principal Secretary to Government, The State of Andhra Pradesh, , Revenue Department, Secretariat, Velagapudi, Amaravati, Guntur District.
2. The District Collector, Sri Kakulam District.
3. The Joint Collector, (Revenue and Rhytu Bharosa), Sri Kakulam District.
4. The Revenue Divisional Officer, Sri Kakulam Division, Srikakulam District.
5. The Tahsildar, Amadalavalasa Mandal, Srikakulam District.
6. Reddy Rajulu, S/o. Late Appana, Aged 73 years, Occ: Cultivation , R/o. Chinna Jonnavalasa Village, Amadalavalasa Mandal, Srikakulam District.(Addressess 1 to 7 by RPAD)
7. One CC to SRI. SRINIVAS AMBATI Advocate [OPUC]
8. Two CCs to GP FOR REVENUE ,High Court Of Andhra Pradesh. [OUT]
9. One spare copy.



HIGH COURT

RC,J

DATED:09/02/2024

POST ON 01.03.2024

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INTERIM STAY

