



**IN THE HIGH COURT OF ANDHRA PRADESH
:: AMARAVATI
(Special Original Jurisdiction)**

3332

WEDNESDAY ,THE TWENTY EIGHTH DAY OF
FEBRUARY
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

WRIT PETITION NO: 5177 OF 2024

Between:

GOSALA YELLAPPA

...PETITIONER(S)

AND

THE STATE OF AP AND OTHERS

...RESPONDENT(S)

Counsel for the Petitioner(s):SRI. K RAGHU VEER

Counsel for the Respondents: GP FOR REVENUE

The Court made the following:

Notice before admission.

Learned Government Pleader for Revenue takes notice on behalf of respondent Nos.1 to 5.

Learned counsel for the petitioner is permitted to take out personal notice on respondent No.6 through Registered Post with Acknowledgment Due and file proof of service in the Registry.

Post the matter on 20.03.2024.

In the meantime, for counter if any, by the official respondents.

I.A.No.1 of 2024

Heard Sri K.G.Krishna Murthy, learned Senior Counsel for the petitioner and Sri E.Kumar, learned Assistant Government Pleader for respondents.

Sri K.G.Krishna Murthy, learned Senior Counsel contended that, the petitioner was assigned land and accordingly granted DKT patta in his favor in the year 2004, but in the revenue records the name of the 6th respondent found place, to incorporate the petitioner name by virtue of said patta an application dated 20.12.2023 has been made through spandana and the same has been rejected by duly taking into consideration of the Mandal Revenue Officer report without hearing the petitioner, without there being any notice and without following the provisions envisaged under the A.P. Rights in Land & Pattadar Passbooks Act, 1971. Further the report relied on by the Tahsildar was not duly served on the petitioner. The learned Senior Counsel further contended that, it is a well-established principle of administrative law that an adjudicatory body cannot base its decision on any material unless the person against who it is sought to be utilized has been apprised of it and given an opportunity to respondent it. In the present case such opportunity was not provided to the petitioner and now they cannot rely on the same and reject the petitioner case. As the order impugned is in clear violation of principles of natural justice, the

petitioner knock the doors of this Court under Section 226 of Constitution of India. He further contended that the unofficial respondent by virtue of his name found in the revenue record may create 3rd party interest and if the same is allowed to happen, it affects the rights of the petitioner. As such, prayed to pass appropriate orders protecting the interest of the petitioner, pending writ petition.

Taking the submission of learned counsel for the petitioner into consideration, the impugned order does not speak anything about issuance of notice or hearing the petitioner before passing the said order. *Prima facie*, a point is made out for consideration. As rightly contended by the learned Senior Counsel for the petitioner, if the 6th respondent creates 3rd party interest it affects the rights of the petitioner. To strike the balance and to meet the ends of justice, this court is inclined to pass the following interim order.

The Revenue authorities are hereby directed to put the subject property in dispute register, pending further orders.

JUSTICE RAVI CHEEMALAPATI

28.02.2024
KKV