

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
WEDNESDAY, THE TWENTY EIGHTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY FOUR



:PRESENT:

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

IA No. 1 OF 2024
IN
WP NO: 5177 OF 2024

Between:

Gosala Yellappa, S/o. Gosala Pedda Yerrappa, Aged about 44 years, Occ Agriculture, R/o. H.No.2-92, Rekulagunta Village, Bukarayasamudram Mandal, Ananthapur District.

...Petitioner

AND

1. The State of Andhra Pradesh, Represented by its Principal Secretary, Revenue Department, Secretariat, Velgapudi, Guntur District, Andhra Pradesh
2. The District Collector, Ananthapuram District.
3. The Revenue Divisional Officer, Ananthapuram, Ananthapuram District.
4. The Mandal Revenue Officer, Bukarayasamudram Mandal, Ananthapuram District.
5. The Sub-Registrar, Ananthapuram Rural, Ananthapuram District.
6. S.Nabi Rasool, S/o. S.Haji Peera, Aged about major, Occ Business, R/o. H.No.8-580, Rajeev Colony, Ananthapuram Mandal AND District

...Respondents

Counsel for the Petitioner

:SRI K RAGHU VEER

Counsel for the Respondent Nos.1 to 5 :GP FOR REVENUE

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 direct the Respondent No.5 not to entertain any registered transactions in respect of the land admeasuring Ac.5-05 cents in Sy.No.206-2 situated at Reddipalli Village, Bukarayasamudram Mandal, Ananthapuram District, forthwith, Pending disposal of WP No. 5177 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 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.

Sd/- SK. MD. RAFI
ASSISTANT REGISTRAR

ch
SECTION OFFICER

//TRUE COPY//

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To,

1. The Principal Secretary, Revenue Department, State of Andhra Pradesh Secretariat, Velgapudi, Guntur District, Andhra Pradesh
2. The District Collector, Ananthapuram District
3. The Revenue Divisional Officer, Ananthapuram, Ananthapuram District.
4. The Mandal Revenue Officer, Bukarayasamudram Mandal, Ananthapuram District
5. The Sub-Registrar, Ananthapuram Rural, Ananthapuram District
6. S.Nabi Rasool, S/o. S.Haji Peera, Occ Business, R/o. H.No.8-580, Rajeev Colony, Ananthapuram Mandal AND District **(Addressees 1 to 6 By RPAD)**
7. One CC to SRI. K RAGHU VEER Advocate [OPUC]
8. Two CCs to GP FOR REVENUE ,High Court of Andhra Pradesh. [OUT]
9. **One spare copy**

PSR

HIGH COURT

RC,J

DATED:28/02/2024

NOTE: POST THE MATTER ON 20.03.2024.

ORDER

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IN
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INTERIM DIRECTION

