

APHC010103112025



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

[3525]

MONDAY, THE FIFTH DAY OF MAY
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE R RAGHUNANDAN RAO

THE HONOURABLE DR JUSTICE K MANMADHA RAO

WRIT APPEAL Nos:184 & 187 of 2025

W.A.Nos.184 & 187/2025

Between:

Cherukuri Srinivasulu

...APPELLANT

AND

The Joint Collector and Others

...RESPONDENT(S)

Counsel for the Appellant:

1.KAVITHA GOTTIPATI

Counsel for the Respondent(S):

1.GP FOR REVENUE

2.MADHAVA RAO NALLURI

The Court made the following common judgment:

(per Hon'ble Sri Justice R. Raghunandan Rao)

As the issues raised and the grounds of challenge to the impugned order in these writ appeals are similar, they are being disposed of by way of this common judgment.

2. Heard Smt. Kavitha Gottipati, learned counsel appearing for the appellant; learned G.P. for Revenue appearing for respondents 1 to 3 and Sri Madhavara Rao Nalluri, learned counsel appearing for the 4th respondent.

3. The appellant herein had been granted Ac.5.00 of land in Sy.No.389/1 of Pedagogulapalle Village, C.C. Puram Mandal, Prakasam District, by way of D-form patta, dated 30.06.1994. Similarly, the mother of the appellant is also said to have been granted D-form patta in respect of land admeasuring Ac.1.87 cents and Ac.3.29 cents in Sy.No.389/2 of the same village. Thereafter, disputes are said to have arisen between the petitioner and his mother on one side and the 4th respondent on the other side. These disputes resulted in filing of O.S.No.243 of 2004 on the file of the Junior Civil Judge, Kanigiri.

4. As there were allegations of tampering of revenue records etc., the Tahsildar of the area, who is arrayed as the 3rd respondent, visited the subject property on 21.03.2007 and is said to have informed the appellant that the Joint Collector had cancelled the patta issued in favour of the appellant. Aggrieved by the said order of cancellation, the appellant filed W.P.No.6937 of 2007 dated 13.03.2007. This writ petition was dismissed on 18.07.2007. However, the order of the learned Single Judge was set aside by a Division Bench in W.A.No.876 of 2007 by order dated 22.01.2009 and the matter was remanded back for fresh consideration.

5. On the basis of the cancellation of patta, the Revenue Divisional Officer, Kandukuru, who is arrayed as the 2nd respondent, cancelled the pattadar passbook and title deed granted in favour of the petitioner. This cancellation is said to be in furtherance of the orders passed by the Joint Collector, dated 13.03.2007. Aggrieved by the said order, the appellant moved this Court by way of W.P.No.10282 of 2007.

6. The case of the Revenue Authorities as well as the 4th respondent, in both these cases, was that the 4th respondent had been assigned the same land by way of proceedings F.Dis.No.18/1395, dated 02.07.1985, and she was in possession and enjoyment of the same. The further case of the official respondents is that the same land was assigned to the appellant herein by oversight and as such the subsequent patta would not be valid. It appears that the appellant is now presently residing in United States of America and working as software professional.

7. The case of the appellant is that the assignment claimed in favour of the 4th respondent is a fictitious assignment and has been created by manipulating the revenue records. The further case of the appellant was that the Revenue Divisional Officer could not have cancelled the pattadar passbook and title deed by way of a *suo moto* appeal, when there was no order passed by the Mandal Revenue Officer, and reliance was placed on

Ratnamma vs. The Revenue Divisional Officer, Dharmavaram, Ananthapur District and Ors.,¹.

8. A learned Single Judge of this Court dismissed both the writ petitions by way of a common order. The learned Single Judge, after going through the record placed before him, had come to the conclusion that there was a genuine assignment of land to the 4th respondent in the year 1985 and that the contention of the appellant that there was no said assignment, cannot be accepted. On the question of applicability of the judgment of the erstwhile High Court of A.P., in **Ratnamma vs. The Revenue Divisional Officer, Dharmavaram, Ananthapur District and Ors.**, the learned Single Judge held that a *suo moto* appeal, by the Revenue Divisional Officer, without any underlying order of the Mandal Revenue Officer is not maintainable, in view of the judgment of the erstwhile High Court of A.P. in **Ratnamma vs. The Revenue Divisional Officer, Dharmavaram, Ananthapur District and Ors.** However, the learned Single Judge held that this is not a case where the pattadar passbook and title deed were cancelled in pursuance of the entries made in the revenue records. He also held that as the pattadar passbook and title deed were cancelled on account of the cancellation of the patta granted in favour of the appellant, the judgment in **Ratnamma vs. The Revenue Divisional Officer, Dharmavaram, Ananthapur District and Ors.**, would not have any application.

¹ (2015) 6 ALD 609 (DB) = (2015) 5 ALT 228 = 2015 SCC OnLine Hyd 282

9. We have been taken through the record and had not been shown anything to hold contrary to the findings of the learned Single Judge. Once the patta had already been granted to an assignee, the same land could not be assigned to any other person as long as the patta holds the field. In the present case, the patta issued to the 4th respondent was not cancelled. Consequently, the patta given to the appellant has to be set aside. As the Revenue Divisional Officer had cancelled the pattadar passbook and title deed, on the basis of the order of cancellation passed by the Joint Collector, the principles laid down in **Ratnamma vs. The Revenue Divisional Officer, Dharmavaram, Ananthapur District and Ors.**, case would not be applicable.

10. Accordingly, these writ appeals are dismissed. There shall be no order as to costs. As a sequel, pending miscellaneous applications, if any, shall stand closed.

R.RAGHUNANDAN RAO, J.

DR. K. MANMADHA RAO, J

Js

HON'BLE SRI JUSTICE R. RAGHUNANDAN RAO
&
HON'BLE DR. JUSTICE K. MANMADHA RAO

WRIT APPEAL Nos:184 & 187 of 2025

(per Hon'ble Sri Justice R. Raghunandan Rao)

5th May, 2025

Js