

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

TUESDAY, THE FIFTH DAY OF MARCH,
TWO THOUSAND AND TWENTY FOUR

:PRESENT:

THE HONOURABLE SRI JUSTICE T RAJASEKAR RAO
WRIT PETITION NO: 5698 OF 2024



Between:

Muthuswamy Murugesan, S/o M.V.Muthuswamy, Aged 58 years, Occ: Cultivation,
R/o.Flat No.302, Jeevan Visakha Apartments, MMTC Colony, Seethammadhara
Area, Visakhapatnam District.

...Petitioner

AND

1. The State of Andhra Pradesh, Rep by its Principal Secretary, Revenue Department, Velagapudi, Amaravathi, Guntur District.
2. The District Collector, Visakhapatnam, Visakhapatnam District.
3. The Revenue Divisional Officer, Visakhapatnam, Visakhapatnam District.
4. The Tahsildar, Pendurthi Mandal, Visakhapatnam District

...Respondents

Petition under Article 226 of the Constitution of India is filed praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the action, things and deeds of Respondents in not granting Freehold Rights in pursuance of G.O.Ms.No.596 Revenue (Lands.1) Department dated 19-12-2023 as per the provisions of Act 35 of 2023 in respect of the land in an extent of Ac.0.84 cents in Sy.No.113/34 Part of Chinamushidivada of Pendurthi Mandal, Visakhapatnam District, which is illegal, irregular, arbitrary, unjust, unconstitutional, against to the Principles of Natural Justice, contrary to the provisions of the Act 35 of 2023 and in violation of Articles 14, 19, 21 and 300-A of Constitution of India, consequently direct the Respondents to grant Freehold Rights to the Petitioner in pursuance of G.O.Ms.No.596 Revenue (Lands.1) Department dated 19-12-2023 as per the provisions of Act 35 of 2023 in respect of the land in an extent of Ac.0.84 cents in S.No. 113/34 Part of Chinamushidivada of Pendurthi Mandal, Visakhapatnam District by directing the Respondents to delete the land from the Prohibitory List and by treating the same as Private Patta land;

IA NO: 1 OF 2024:

Petition under Section 151 CPC is filed praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct the Respondents to dispose the Representation dated 29-12-2023 submitted by the Petitioner for issuance of 'Freehold Rights' in pursuance of G.O.Ms.No.596 Revenue (Lands.I) Department dated 19-12-2023 as per the provisions of Act 35 of 2023 in respect of the land in an S.No. 113/34 Part of Chinamushidivada of extent of Ac.0.84 cents in Pendurthi Mandal, Visakhapatnam District pending disposal of WP.No.5698 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 upon hearing the arguments of Sri Narasimha Rao

Gudiseva, Advocate for the Petitioner and GP for Revenue for the Respondents, the Court made the following;

ORDER:

"The present Writ Petition is filed to direct the respondents to grant 'Freehold Rights' in pursuance of G.O.Ms.No.596 Revenue(Lands.1) Department, dated 19.12.2023 as per the provisions of Act 35 of 2023 in respect of the land in an extent of Ac.0.84 cents in Sy.No.113/34 Part of Chinamushidivada of Pendurthi Mandal, Visakhapatnam District.

For the aforesaid relief, the petitioner herein made an application to the Tahsildar on 29.12.2023 to allot 'Freehold Rights' for the aforesaid land in pursuance of the aforesaid G.O.

Therefore, pending the disposal of the Writ Petition, the 4th respondent is hereby directed to consider the representation made by the petitioner on 29.12.2024 and pass appropriate orders in accordance with law and convey the same to the petitioner herein within a period of four (04) weeks from the date of receipt of copy of this order.

Post the matter after 'Summer Vacation, 2024'."

//TRUE COPY//

Sd/- S. SRINIVASA PRASAD
ASSISTANT REGISTRAR

For

SECTION OFFICER

To,

1. The Principal Secretary, State of Andhra Pradesh, Revenue Department, Velagapudi, Amaravathi, Guntur District.
2. The District Collector, Visakhapatnam, Visakhapatnam District.
3. The Revenue Divisional Officer, Visakhapatnam, Visakhapatnam District.
4. The Tahsildar, Pendurthi Mandal, Visakhapatnam District (Addressee Nos.1 to 4 by RPAD)
5. One CC to Sri. Narasimha Rao Gudiseva, Advocate [OPUC]
6. Two CCs to GP for Revenue, High Court of Andhra Pradesh. [OUT]
7. One spare copy

MM



HIGH COURT

TRR,J

DATED:05/03/2024

NOTE: POST THE MATTER AFTER SUMMER VACATION, 2024

ORDER

WP.No.5698 of 2024

DIRECTION

