

IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI

(Special Original Jurisdiction)

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

PRESENT

THE HONOURABLE SRI JUSTICE T.C.D.SEKHAR

WRIT PETITION NO: 5433 OF 2025



Between:

Gandikota Ramaiah, S/o G.Obulesu, Aged about 75 years, R/o H.No.8 -
36, Kothapet, Kambalapadu Road, Dhone Village, Kurnool, Andhra
Pradesh.

...PETITIONER

AND

1. The State of Andhra Pradesh, Represented by its Principal Secretary,
Department of Revenue, Secretariat Building, Velagapudi, Amaravati,
Guntur District.
2. The District Collector, Nandyal District, Nandyal.
3. The Revenue Divisional Officer, Dhone Division, Dhone, Nandyala
District.
4. The Tahsildar, Dhone, Nandyala District.
5. Pappuru Srinivasa Reddy, (P. Srinivasulu), Father's name, age and
occupation are not known to the Petitioner.
6. U. Vijaya Kumar, S/o. U. Pullaiah, Aged about 67 years, Occ: Retired
Employee, R/o. Flat No.26,27, Baghameer, Ramalayam Street, Opp:
Nagarjuna Model School, Kukatpally, Hyderabad, Telangana.
7. U. Vijaya Bhaskar, S/o. Pullaiah, Aged about 65 years, Occ: Retired
Employee, R/o. D.No.44/97/B, Prakash Nagar, Kurnool Town and
District, Rep. through General Power of Attorney Holder, U. Vijaya
Kumar, S/o. Pullaiah(Petitioner No.1)
8. U. Vijay Krishna, S/o. U. Pullaiah, Aged about 54 years, R/o.H.No.5-1-
108/11, Vallabh Nagar, Mahabbob Nagar District, Telangana State,

Rep. through General Power of Attorney Holder, U. Vijaya Kumar, S/o.
Pullaiah(Petitioner No.1)

**(RR 6 to 8 are impleaded in Writ Petition and Affidavit as per the
Court's order dt.05/05/2025 vide order passed in IA No.3/2025)**

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ more particularly one in the nature of Writ of Mandamus, i) Declaring the action of the Respondents herein, more particularly the action of the Respondent No.4 herein in proposing to mutate the name of the Respondent No.5 herein in the Revenue Records pertaining to the property in Sy.No.366/1 with an extent of Ac.4.95 Cents, Dhone Village and Mandal, Nandyal District (formerly Kurnool District), by issuing proceedings dated 27.01.2025, without issuance of a personal notice and without affording a personal hearing, as being illegal, arbitrary, unjust, replete with mala fides, violative of the Principles of Natural Justice, violative of the provisions of the Andhra Pradesh Rights In Land and Pattadar Pass Books Act, 1971, violative of the provisions of the Andhra Pradesh Rights in Land and Pattadar Pass Books Rules, 1989 and violative of Articles 14, 21 and 300A of the Constitution of India ii)Consequently set aside the Proceedings issued by the Respondent No.4 herein on 27.01.2025 and all consequential proceedings iii) Direct the Official Respondents to not effect any mutations with respect to the property in Sy.No.366/1 with an extent of Ac.4.95 Cents, Dhone Village and Mandal, Nandyal District (formerly Kurnool District), without following the due procedure of law.

IA NO: 1 OF 2025

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 stay all further proceedings in pursuance of the Proceedings

dated 27.01.2025, issued by Respondent No.4 herein and consequential proceedings.

IA NO: 2 OF 2025

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 direct the Respondents herein to maintain status quo ante existing as on 27.01.2025 with respect to the entries in the revenue records as regards the property in Sy.No.366/1 with an extent of Ac.4.95 Cents, Dhone Village and Mandal, Nandyal District (formerly Kurnool District)

Counsel for the Petitioner: SRI VIVEKANANDA VIRUPAKSHA

Counsel for the Respondent Nos.1 to 4: GP FOR REVENUE

Counsel for the Respondent No.5: M/s. CKR ASSOCIATES

Counsel for the Respondent Nos.6 to 8: SRI V. NITESH

The Court made the following: ORDER



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

[3505]

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

PRESENT

THE HONOURABLE SRI JUSTICE T.C.D.SEKHAR

WRIT PETITION NO: 5433/2025

Between:

Gandikota Ramaiah,

...PETITIONER

AND

The State Of Andhra Pradesh and Others

...RESPONDENT(S)

Counsel for the Petitioner:

1.VIVEKANANDA VIRUPAKSHA

Counsel for the Respondent(S):

1.GP FOR REVENUE

2.CKR ASSOCIATES

The Court made the following order:

The petitioner claims that he is the absolute owner and possessor of the land, admeasuring an extent of Ac.4.95 cents in Sy.No.366/1, situated at Dhone Village and Mandal, Nandyal District (formerly Kurnool District). It is the case of the petitioner that his name was mutated in the revenue records in respect of the said lands and he was also issued pattadar passbooks and title deeds. It is stated that the petitioner filed an application seeking to conduct survey over subject the land and in pursuance thereof survey was conducted and a report was submitted stating that the petitioner is in possession of the subject land. It is further case of the petitioner that, he came to know that the 4th respondent issued publication dated 12.01.2025 in form-8, rule 19(1) of Act 26 of 1971, calling for objections, if any, pursuant to application made by the 5th respondent to mutate his name in revenue records. It is further stated that though the said publication is dated 12.01.2025, the same was signed by the 4th respondent on 27.01.2025. It is further stated that though under the said publication the 4th respondent called for objections, the name of the 5th respondent was mutated in respect of subject land after amending the revenue records. The petitioner further states that, no notice was issued to him before

incorporating the name of the 5th respondent in revenue records. Questioning the same, the present writ petition is filed.

2. On the other hand, learned Assistant Government Pleader for Revenue placed the written instructions dated 19.03.2025, furnished by the 4th respondent-Tahsildar. The same is placed on record.

3. The respondents 6 to 8 filed implead application along with the same they have also filed proceedings dated 03.04.2025, issued by the Public Information Officer, Deputy Tahsildar, Dhone, which was issued pursuant to an application filed by them under Right to Information Act, 2005, seeking to furnish copy of application submitted by the 5th respondent. To which, the Public Information Officer, issued proceedings dated 03.04.2025, informing them that the application filed by the 5th respondent is not available in the office records.

4. Heard learned counsel for the petitioner, learned counsel for the respondents 6 to 8 and learned Assistant Government Pleader for Revenue.

5. It is not in dispute that the name of the petitioner is reflected in the revenue records in respect of subject land. Further, the 4th respondent issued publication dated 12.01.2025 signed on

27.01.2025 pursuant to application filed by the 5th respondent seeking to mutate his name over the subject land. On perusal of the said publication, it is clear that, though the 4th respondent called for objections if any for mutating the name of the 5th respondent, the 4th respondent without even waiting for the objections to be raised in the matter interested persons, including the petitioner, curiously mutated the name of the 5th respondent by changing the revenue records and the same is apparent on a perusal of publication dated 12.01.2025.

6. Further, on perusal of the instructions furnished by the 4th respondent, it is clear that the name of the petitioner is reflected in the revenue records before mutating the name of 5th respondent. Though, it is stated that the 4th respondent has followed the procedure contemplated under Act 26 of 1971, before mutating the name of the 5th respondent, nothing is placed on record to substantiate that notice was issued to the petitioner. In the absence of the same, the contention of the 4th respondent cannot be countenanced. Therefore, the action of 4th respondent in mutating the name of the 5th respondent in revenue records over the subject land is not only illegal but also violation of principles of natural justice. It is needless to mention that, the Public Information Officer issued proceedings dated 03.04.2025 stating that the alleged

application made by the 5th respondent seeking to mutate his name is also not available in office records. From the above it is clear that, the 4th respondent unilaterally mutated the name of the 5th respondent without following the procedure contemplated under law. Apart from the same, respondent Nos.6 to 8 are also claiming right over the subject lands. This Court is not inclined to go into the merits of the matter as to the entitlement of parties in the present lis. Since the action of 4th respondent in incorporating the name of the 5th respondent in revenue records is vitiated by law and the same is accordingly set aside.

7. For the foregoing reasons, proceedings dated 12.01.2025 signed on 27.01.2025, issued by the 4th respondent is hereby set aside with a further direction to the 4th respondent to issue a fresh notice to the petitioner and to the respondent Nos.5 to 8 calling for objections. Upon service of the said notice, the parties are directed to submit explanation within a period of two (02) weeks thereafter. After receiving objections, the 4th respondent is further directed to dispose of the same strictly in accordance with law after affording opportunity of being heard to all the parties within a period of six (06) weeks thereafter.

8. Accordingly, the Writ Petition is allowed. There shall be no order as to costs.

//TRUE COPY//

SD/- K. TATA RAO
DEPUTY REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary, Department of Revenue, State of Andhra Pradesh, Secretariat Building, Velagapudi, Amaravati, Guntur District.
2. The District Collector, Nandyal District, Nandyal.
3. The Revenue Divisional Officer, Dhone Division, Dhone, Nandyala District.
4. The Tahsildar, Dhone, Nandyala District.
5. One CC to Sri Vivekananda Virupaksha, Advocate [OPUC]
6. One CC to M/s.CKR Associates, Advocate[OPUC]
7. One CC to Sri V. Nitesh, Advocate[OPUC]
8. Two CCs to GP for Revenue, High Court of Andhra Pradesh. [OUT]
9. Three CD Copies.

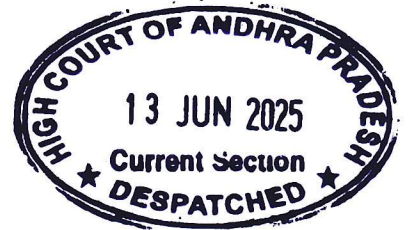
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HIGH COURT

DATED:05/05/2025

ORDER

WP.No.5433 of 2025



ALLOWING THE W.P. WITHOUT COSTS