



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



WEDNESDAY, THE NINETEENTH DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 6732 OF 2025

Between:

Pagadala Subbarayudu @ Subbaiah, S/o Nagaiah, Aged about 62 years, R/o Nagireddipalli, H/o Buggalapalli Village, C.K. dinne Mandal, Y S R, Kadapa District.

...PETITIONER

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary, Revenue Department, Secretariat Building, Velagapudi, Amaravati, Guntur District.
2. District Collector, Kadapa, Y.S.R. Kadapa District.
3. The Joint Collector, Kadapa, Y.S.R. Kadapa District.
4. The Revenue Divisional Officer, Kadapa Division, Y.S.R. Kadapa District.
5. The Tahsildar, C.K. Dinne Mandal, Y.S.R. Kadapa District.
6. Mantri Vasantha Kumari, W/o Narasimhulu, Aged about 63 years, R/o D.No.28/1-2, Angadi Veedhi, Kadapa, Y.S.R. Kadapa District.
7. Mantri Krishna Kishore, S/o Narasimhulu, Aged about 39 years, R/o D.No.28/1-2, Angadi Veedhi, Kadapa, Y.S.R. Kadapa District.

...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 Order or direction more particularly one in the

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nature of WRIT OF MANDAMUS declaring the order dt.20-02-2025, vide Ref.No.E2/157/2025 on the file of Respondent in respect of the Petitioners absolute property for an extent of Ac.2-80 cents, out of which, Ac. 1-40 is situated in Survey No.555/1 and Ac. 1-40 is situated in Survey No.555/2 of Mamillapalli Village, C.K.Dinne Mandal, Y.S.R. Kadapa District, is illegal, arbitrary, unjust, violation of fundamental rights guaranteed under Article 19, 21, property right guaranteed under Article 300A of Constitution and order of this Hon'ble Court in W.A.No.21/2025 dt. 10-01-2025 and consequently direct the 3rd Respondent to take up the Revision afresh and adjudicate the Petitioners claim in respect of his absolute property for an extent of Ac.2-80 cents, out of which, Ac. 1-40 is situated in Survey No.555/1 and Ac. 1-40 is situated in Survey No.555/2 of Mamillapalli Village, C.K.Dinne Mandal, Y.S.R. Kadapa District in accordance with 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 direct the 5th Respondent not to restore the names of the Respondents 6 & 7 in Revenue records pertaining to the subject property for an extent of Ac.2-80 cents, out of which, Ac.1-40 is situated in Survey No.555/1 & Ac.1-40 is situated in Survey No.555/2 of Mamillapalli Village, C.K.Dinne Mandal, Y.S.R. Kadapa District till disposal of the main Writ Petition.

Counsel for the Petitioner: SRI N V MOHANA RAO

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

Counsel for the Respondent Nos. 6 & 7: ----

The Court made the following: ORDER



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

[3329]

WEDNESDAY, THE NINETEENTH DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 6732/2025

Between:

Pagadala Subbarayudu @ Subbaiah

...PETITIONER

AND

The State Of Andhra Pradesh and Others

...RESPONDENT(S)

Counsel for the Petitioner:

1. N V MOHANA RAO

Counsel for the Respondent(S):

1. GP FOR REVENUE

The Court made the following ORDER:

1. This Writ Petition is filed under Article 226 of the Constitution of India seeking the following relief:

"to issue a Writ Order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the order dt 20.02.2025 vide Ref No.E2/157/2025, on the file of Respondent in respect of the Petitioner's absolute property for an extent of Ac.2-80 cents out of which Ac.1-40 is situated in Survey No.555/1 and Ac.1-40 is situated in Survey No.555/2 of Mamillapalli Village, C.K.Dinne Mandal, Y.S.R. Kadapa District is illegal, arbitrary, unjust, violation of fundamental rights guaranteed under Article 19, 21 property right guaranteed under Article 300-A of Constitution and order of this Honble Court in W.A.No.21/2025, dated

10.01.2025 and consequently direct the 3rd Respondent to take up the Revision afresh and adjudicate the Petitioner's claim in respect of his absolute property for an extent of Ac.2-80 cents out of which Ac.1-40 is situated in Survey No.555/1 and Ac.1-40 is situated in Survey No.555/2 of Mamillapalli Village C.K. Dinne Mandal, Y.S.R Kadapa District in accordance with law and to pass such other order or orders..."

1. Heard the learned counsel for the petitioner and the learned Government Pleader appearing for the respondents.

2. The case of the petitioner is that the petitioner is the absolute owner and possessor of patta land admeasuring to an extent of Ac.2-80 cents, out of which Ac.1-40 cents situated in Sy.No.555/1 and Ac.1-40 cents situated in Sy.No.555/2 of Mamillapalli Village, C.K. Dinne Mandal, Y.S.R. Kadapa District.

3. On perusal of the material available on record, it appears that the petitioner herein preferred a filed Writ Appeal No. 21 of 2025 before Respondent No. 4, seeking for the grant of record of rights over the subject property. The said appeal was disposed of in favor of the petitioner by Respondent No. 4. However, the unofficial Respondents Nos. 6 and 7 challenged the said order by preferring before Respondent No. 3.

4. After conducting a detailed inquiry and providing an opportunity to both parties, Respondent No. 3 passed an order dated 20.02.2025, reversing the order of Respondent No. 4 and declaring the rights in favor of the unofficial respondents. Aggrieved by this, the petitioner preferred the

Writ Petition No. 39323 of 2022 before this Court, this Court was pleased to dispose of with the following observations:

"Accordingly this writ petition is disposed of holding that there is neither illegality nor procedural irregularity in passing the orders impugned in proceedings No.D.Dis.D2/APLS(ROR)/26/2018, dated 22.11.2022 passed by the respondent No.3. However, the petitioner is not precluded from getting his grievance redressed by approaching competent civil court, if he so desires".

5. Further, the petitioner assailing order in the writ petition before this Court by preferring Writ Appeal No. 21 of 2025. In this appeal, the Division Bench of this Court specifically observed as follows:

"12. For all the aforesaid reasons, it would be appropriate to dispose of this writ appeal, by affirming the act of the Joint Collector in setting aside the order of the Revenue Divisional Officer. However, the finding given by the Joint collector as well as the learned Single Judge, in relation to the question of title and claims over the land, would not be binding on either the appellant or respondent Nos.6 and 7, in the event of any future proceedings initiated either under the Act or by way of a suit before a competent civil court.

13 The learned senior counsel would contend that the appellant had enjoyed the order of injunction and status quo during the pendency of the writ petition and the said status quo may be continued for some time to enable the appellant to avail of his remedies under law.

15. However, keeping in view the prolonged litigation between the parties, it would be appropriate that status quo is granted for a period of two (02) weeks, keeping in view the fact that the civil courts would be closed for the next week on account of Sankranti vacation, 2025".



6. In view of the clear and categorical directions observed by the Division Bench of this Court, the only remedy available to the petitioner is to invoke common law remedies before a competent civil court. However, instead of adhering to the judgment of this Court in Writ Appeal No. 21 of 2025, the petitioner filed a revision petition before Respondent No. 3. In response, Respondent No. 3, through proceedings dated 20.02.2025, rejected the petitioner's claim, holding that since the Division Bench of this Court had specifically directed the petitioner to avail common law remedies before the civil court, the respondent had no authority to interfere with or pass any order in the revision petition, except observing the orders of this Court.

7. On the other hand, the learned counsel for the unofficial respondents contends that, in light of the judgment rendered by this Court in Writ Appeal No. 21 of 2025, the petitioner is not entitled to file any petition or revision before the revenue authorities. Instead, the petitioner should invoke the jurisdiction of the competent civil court to assert his rights against the unofficial respondents. Any attempt by the petitioner to approach the revenue authorities, either by way of appeal or revision, amounts to deviation from the judgment rendered by this Court in Writ Appeal No. 21 of 2025. It is a settled proposition of law that once a petitioner is subjected to an order by this Hon'ble Court, they have no other option but to comply with the order in its true letter and spirit. The petitioner

must neither deviate from nor disobey the order, as doing so would amount to committing an offence or contempt of court.

8. Having considered the submissions of the learned counsel for the petitioner and the learned counsel for the unofficial respondents, and on perusal of the orders passed by this Court in Writ Petition No. 39323 of 2022, as W.A.No.21 of 2025 as extracted supra it is evident that the present writ petition is not maintainable for further adjudication on merits and it is nothing but an abuse of process of law. however the petitioner shall pay Rs.5,000/- towards costs to the Secretary of A.P.Advocates Association within a period of two (02) months from the date of receipt of the copy of this order. Accordingly, the writ petition is dismissed. With costs.

Consequently, Miscellaneous Petitions, if any, pending in the writ petition shall stand closed.

MEMO OF COSTS
WP No.6732 OF 2025

Cost Quantified By Court (That the writ petitioner is directed to deposit costs of Rs.5,000/- (Five Thousand Rupees). The said costs, Rs. 5,000/- (Five Thousand Rupees) shall be deposited in favour of the Secretary of Andhra Pradesh High Court Advocates' Association within a period of two (2) months.

//TRUE COPY//

Sd/- M PRABHAKAR RAO
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. Pagadala Subbarayudu @ Subbaiah, S/o Nagaiah, Aged about 62 years, R/o Nagireddipalli, H/o Buggalapalli Village, C.K. dinne Mandal, Y S R, Kadapa District.

2. The Secretary, Andhra Pradesh High Court Advocates Association, High Court Buildings, Amaravati, Guntur.
3. One CC to Sri N V Mohana Rao, Advocate [OPUC]
4. Two CCs to GP for Revenue, High Court of Andhra Pradesh. [OUT]
5. Three CD Copies

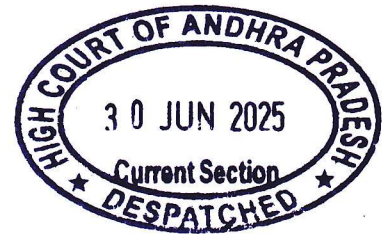
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HIGH COURT

DATED:19/03/2025

ORDER

WP.No.6732 of 2025



DISMISSING THE W.P., WITH COSTS