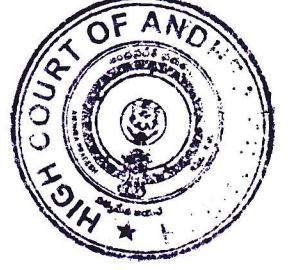


IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI
(Special Original Jurisdiction)

FRIDAY, THE TWENTY FIRST DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE



PRESENT

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 7079 OF 2025

Between:

J Koteswara Prasad, S/o late J.Subramanyam Chetty Aged about 57
years, R/o D.No.3-68, Bazaar Street, Renigunta, Tirupati District

...Petitioner

AND

1. The State of Andhra Pradesh, Revenue Department, Rep. by its Principal Secretary, Secretariat at Velagapudi, Amaravati.
2. The District Collector, Tirupati District Collectors Office, Tirupati.
3. The Joint Collector, Tirupati District Collectors Office, Tirupati
4. The Revenue Divisional Officer, Srikalahasthi, Tirupati District.
5. The Tahsildar, Renigunta Mandal Tirupati District.
6. S.Rosaiah, S/o Siddaiah, Aged about 26 years, R/o D.No. 10-18/A, Karakambadi Renigunta mandal Tirupati 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 nature of a Writ of Prohibition declaring the act of 4th Respondent in entertaining Appeal vide Proceedings in Roc D/130/2022 on the file of 4th respondent filed by the 6th Respondent seeking to cancel the revenue records in favour of the petitioner and to issue epassbook to the 6th respondent as beyond the jurisdiction vested as per the provisions of A P Rights in Land and Pattadar Pass Books Act 1971, barred by limitation and besides violation of principles of Natural Justice apart from being violative of fundamental rights guaranteed under Article 14, 19 and 21 of the Constitution of India and consequently direct the Respondent No 4 to reject the Appeal as not maintainable on its forum.

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 grant stay of all further proceedings in Appeal vide proceedings in Roc.No. D/130/2022 on the file of the 4th respondent pending disposal of the above writ petition.

Counsel for the Petitioner: SRI. SAI AKASH N

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

The Court made the following order:

APHC010129062025



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

[3329]

FRIDAY ,THE TWENTY FIRST DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 7079/2025

Between:

J Koteswara Prasad

...PETITIONER

AND

The State Of Andhra Pradesh and Others

...RESPONDENT(S)

Counsel for the Petitioner:

1.SAI AKASH N

Counsel for the Respondent(S):

1.GP FOR REVENUE

The Court made the following:

THE HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 7079/2025

ORDER:

This writ petition is filed under Article 226 of the Constitution of the India seeking the following reliefs:-

"to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the act of 4th respondent in entertaining appeal vide Proceedings in Roc.D/130/2022 on the file of 4th respondent filed by the 6th respondent seeking to cancel the revenue records in favour of the petitioner and to issue e-passbook to the 6th respondent as beyond the jurisdiction vested as per the provisions of A.P. Rights in Land and Pattadar Pass Books Act, 1971, barred by limitation and besides violation of principles of Natural Justice apart from being violative of fundamental rights guaranteed under Article 14, 19 and 21 of the Constitution of India and consequently direct the respondent No.4 to reject the appeal as not maintainable on its forum and pass such other order."

2. Heard the learned counsel for the petitioner and the learned Assistant Government Pleader for the respondents.

3. Learned counsel for the petitioner submits that the petitioner is the absolute owner and possessor of the property admeasuring to an extent of Ac.0.42 cents in Sy.No.303/5 of Karakambadi Village, Renigunta Mandal, Tirupati District. The name of the petitioner was mutated in the revenue records and the petitioner was issued pattadar passbook and title deed. While things stood thus, respondent No.6 illegally interfering with the property of the petitioner. Then, the petitioner resisted the said action. While so, the respondent No.6 instituted O.S.No.612 of 2017 on the file of the I

Additional Junior Civil Judge, Tirupati, seeking permanent injunction against the petitioner, which was dismissed on 29.08.2022. Aggrieved thereby respondent No.6 preferred A.S.No.62 of 2022 on the file of the X Additional District Judge, Tirupati, which is pending for consideration.

4. Learned counsel for the petitioner further submits that aggrieved by the dismissal of the suit in O.S.No.612 of 2017, respondent Nos.6 preferred an appeal before the 4th respondent without there being any right, keep on requesting, to cancel the revenue records made in favour of the petitioner herein even though civil proceedings are pending. He further asserts that respondent No.4 has entertained the appeal without any jurisdiction and issued notice date 24.01.2025 calling the petitioner to appear for enquiry contrary to the pending civil proceedings.

5. On the other hand, learned Assistant Government Pleader for the respondents submits that since the 6th respondent preferred A.S.No.62 of 2022 before the X Additional District Judge, Tirupati and the same is pending for consideration, the 4th respondent cannot proceed further. He further submits that after finalization of the A.S. proceedings before the Court of Law, the respondents will proceed further.

6. Having regard to the submissions made by the learned counsel for the petitioner and the learned Government Pleader for

the respondents and on perusal of the material placed on record, it is observed that once the 6th respondent preferred A.S.No.62/2022. against the orders passed in O.S.No.612 of 2017, the 6th respondent cannot prefer an appeal before the 4th respondent seeking to cancel the revenue entries made in favour of the petitioner with respect same subject property. It is settled preposition of law once an Appeal Suit is pending before the Court of law the 4th respondent has no jurisdiction to entertain the appeal or any other proceedings preferred before him. Hence, this Court is of the considered opinion that the impugned notice dated 24.01.2025 is liable to be set aside.

7. In view of the reasons stated above, this Writ Petition is allowed by setting aside the impugned notice dated 24.01.2025 issued by the 4th respondent. However, the respondents are at liberty to correct/amend the entries in the revenue records, after declaration of the verdict by the Civil Court in A.S.No.62 of 2022, in terms of judgment and decree. There shall be no order as to costs.

As a sequel miscellaneous application, pending, if any, shall also stand closed.

Sd/- U. SRIDEVI
ASSISTANT REGISTRAR

//TRUE COPY//

Shankar
SECTION OFFICER

To,

1. The Revenue Department, Principal Secretary, State of Andhra Pradesh, Secretariat at Velagapudi, Amaravati.
2. The District Collector, Tirupati District Collectors Office, Tirupati.
3. The Joint Collector, Tirupati District Collectors Office, Tirupati.

4. The Revenue Divisional Officer, Srikalahasthi, Tirupati District.
5. The Tahsildar, Renigunta Mandal Tirupati District.
6. One CC to Sri. Sai Akash N Advocate [OPUC]
7. Two CCs to GP for Revenue, High Court Of Andhra Pradesh. [OUT]
8. Three CD Copies

GSC

HIGH COURT

DATED:21/03/2025

ORDER

WP.No.7079 of 2025



**ALLOWING THE WP
WITHOUT COSTS**