

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: 6791 OF 2024



Between:

1. Birru Jayapal, S/o.Sumitra, Aged about 55 years, Occ: Agriculture, R/o. Door No.4/53-39-1, Diguvapatnam Village, Jammalamadugu Mandal, Y.S.R. District
2. Balabadra Ravi Kumar, S/o.John Sundaran, R/o. Door No.4/53-39-2, Digavapatnam Village, Jammalamadugu Mandal, Y.S.R.District..

...PETITIONERS

AND

1. The State of Andhra Pradesh, rep., by its Principal Secretary, Revenue Department, Secretariat Buildings, Velagapudi, Guntur District.
2. The District Collector, Y.S.R.District, Kadapa.
3. The Revenue Divisional Officer, Jammalamadugu Revenue Division, Jammalamadugu, Y.S.R District.
4. The Tahsildar, Kondapuram Mandal, Y.S.R.District.
5. Mr.S.Zakeer Hussain, Assistant Government Pleader, Junior Civil Judge Court, Jammalamadugu, Y.S.R.District.
6. Ganganaboina Venkata Ramanaiah, S/o.Chinna Kondanna, Aged about 65 years, Occ: Agriculture, R/o.door No.1/46, S.Uppalapadu Village, Jammalamadugu Mandal, Y.S.R.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 an appropriate Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of

the respondent No.4 in changing the online entries and also issuance of Pattadar Pass Books and Title Deeds for the land in an extent of Ac. 1.94 Cents in Sy.No.1133/1 of S.Uppalapadu Village fields, Jammalamadugu Mandal, Y.S.R.District in favor of the respondent No.6 without issuance of any notice to me, relying on the judgment in O.S.No.266 of 2019, dated 06-02-2020, on the file of the Court of the Junior Civil Judge, Jammalamadugu, Y.S.R.District wherein we are not party in the said suit as arbitrary, illegal, contrary to the settled legal position, apart from being violative of fundamental rights guaranteed to me under Articles, 14, 19 and 21 of Constitution of India and consequently mutate the names of the petitioners for the land in an extent of Ac. 1.94 Cents in Sy.No. 1133/1 Jammalamadugu Mandal, Y.S.R.District of S.Uppalapadu Village fields, by deleting the name of the respondent No.6 for the land in an extent of Ac. 1.94 Cents in Sy.No. 1133/1 of S.Uppalapadu Village fields, Jammalamadugu Mandal, Y.S.R.District.

IA NO: 1 OF 2024

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 respondent No.4 to consider the representation, dated 04-11-2023 submitted by us, pending disposal of the above Writ Petition.

Counsel for the Petitioner: SRI P. V. N. KIRAN KUMAR

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

Counsel for the Respondent Nos.5 & 6:---

The Court made the following: ORDER

APHC010130662024



**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: 6791/2024

Between:

Birru Jayapal, and Others

...PETITIONER(S)

AND

The State Of Andhra Pradesh and Others

...RESPONDENT(S)

Counsel for the Petitioner(S):

1.P V N KIRAN KUMAR

Counsel for the Respondent(S):

1.GP FOR REVENUE

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 6791/2024

This 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 an appropriate Writ Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondent No.4 in changing the online entries and also issuance of Pattadar Pass Books and Title Deeds for the land in an extent of Ac 1.94 Cents in Sy No 1133/1 of S.Uppalapadu Village fields, Jammalamadugu Mandal, Y S R District in favor of the respondent No.6 without issuance of any notice to me, relying on the judgment in O S No.266 of 2019, dated 06.02.2020 on the file of the Court of the Junior Civil Judge, Jammalamadugu Y.S.R District wherein we are not party in the said suit, as arbitrary, illegal contrary to the settled legal position apart from being violative of fundamental rights guaranteed to me under Articles 14, 19 and 21 of Constitution of India and consequently mutate the names of the petitioners for the land in an extent of Ac 1.94 Cents in Sy No.1133/1 Jammalamadugu Mandal, Y.S.R District of S Uppalapadu Village fields by deleting the name of the respondent No.6 for the land in an extent of Ac 1.94 Cents in Sy No.1133/1 of S.Uppalapadu Village fields, Jammalamadugu Mandal, Y.S.R District and pass”

2. Learned counsel for the Petitioners submits that at the land in an extent of Ac.1.94 cents in Sy.No.1133/1 of S. Uppalapadu Village Fields,

Jammalamadugu Mandal, YSR District belongs to one Battala Devadathudu and he is having two sons namely B. Yasudasu and B. Solomon and after the demise of B. Devadathudu, the two sons acquired rights on the said property and sold the property to one Balabadra Suseelamma under a registered sale deed dated 06.12.1982 vide Document No.2472/1982. Thereafter the said B. Suseelamma sold an extent of Ac.1.00 cents out of Ac.1.94 cents to the 1st Petitioner herein and from the date of purchase the 1st petitioner is in peaceful possession and enjoyment of the same. After the death of B. Suseelamma on 16.09.2022, the extent of Ac.0.94 cents continued in the name of said B.Suseelamma and the Petitioner No.2 herein as legal heir of B.Suseelamma. While so, respondent No.6 with an ulterior motive and with a view of knock away the property has filed O.S.No.266 of 2019, where the petitioners herein were not arrayed as defendants. The said suit was decreed in favour of the Respondent No.6. Thereafter basing on the said decree the 4th respondent herein mutated the land in favour of the respondent No.6 herein. Having come to know the same, the petitioners were constrained to prefer an appeal before the Respondent No.3 vide appeal No.1516 of 2023. But till today no orders have been passed and no hearing proceedings are taken place. Therefore, the

petitioners aggrieved by the inaction of 3rd respondent, in considering and disposing of the appeal, filed this writ petition.

5. During hearing, learned counsel for the petitioners reiterated the contentions urged in the petition whereas the learned Government Pleader for Revenue opposed the writ petition.

6. Therefore, this Court deems it appropriate to direct the 3rd respondent to dispose of the appeal, if any pending before the 3rd respondent after providing opportunity of hearing to the both parties concerned within a period of four (4) months from the date of receipt of a copy of this order. Till such time, *status-quo* obtaining as on today shall be maintained by all parties.

7. With the above direction, the writ petition is disposed of. No costs.

As a sequel, Interlocutory Applications pending, if any, in this Writ Petition, shall stand closed.

Sd/- K. TATA RAO
DEPUTY REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

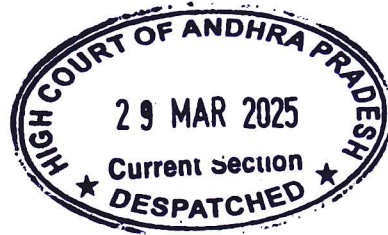
1. The Principal Secretary, Revenue Department, State of Andhra Pradesh, Secretariat Buildings, Velagapudi, Guntur District.
2. The District Collector, Y.S.R. District, Kadapa.
3. The Revenue Divisional Officer, Jammalamadugu Revenue Division, Jammalamadugu, Y.S.R. District.
4. The Tahsildar, Kondapuram Mandal, Y.S.R. District.
5. Mr. S. Zakeer Hussain, Assistant Government Pleader, Junior Civil Judge Court, Jammalamadugu, Y.S.R. District.
6. One CC to Sri P. V. N. Kiran Kumar, Advocate [OPUC]
7. Two CCs to GP for Revenue, High Court of Andhra Pradesh. [OUT]
8. Three CD Copies.

HIGH COURT

DATED:21/03/2025

ORDER

WP.No.6791 of 2024



DISPOSING OF THE W.P. WITHOUT COSTS