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APHC010130982023



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

[3332]

MONDAY, THE 29th DAY OF JUNE 2026

PRESENT

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

WRIT PETITION NO: 6637/2023

Between:

1. BODDEPALLI ESWARA RAO, , S/O. LATE CHANDRAYYA, AGED 53 YEARS, OCC CULTIVATION, R/O. LODDALAPETA VILLAGE, BELAMAM POST, AMADALAVALASA MANDAL, SRIKAKULAM DISTRICT.

...PETITIONER

AND

1. THE STATE OF AP, REP. BY ITS PRINCIPAL SECRETARY TO GOVERNMENT, REVENUE DEPARTMENT, SECRETARIAT, VELAGAPUDI, AMARAVATI, GUNTUR DISTRICT.

2. THE JOINT COLLECTOR, SRIKAKULAM DISTRICT AT SRIKAKULAM.

3. THE REVENUE DIVISIONAL OFFICER, SRIKAKULAM REVENUE DIVISION, SRIKAKULAM, SRIKAKULAM DISTRICT.

4. THE TAHSILDAR, AMADALAVALASA MANDAL, SRIKAKULAM DISTRICT.

5. PUJARI RADHA KRISHNA, S/O. LATE THRINADHASWAMY, AGED 52 YEARS, OCC GOVT. TEACHER, R/O. LODDALAPETA VILLAGE, BELAMAM POST, AMADALAVALASA MANDAL, SRIKAKULAM DISTRICT

...RESPONDENT(S):

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 WRIT OF MANDAMUS declaring the inaction of the 2nd respondent on petitioner's Revision Petition dated 29.12.2022 filed under Paragraph 18 of BSO 15 of Board of Revenue Standing Orders, questioning action of the predecessor-in-office of 4th respondent in granting assignment by way of D-Form Patta in favour of Pujari Apparao @ Pujari Appaiah in an extent of land of Ac. 0.50 cents out of Ac.7.93 Cents in Survey No. 108, situated in Loddalapeta Village. Balamam Post, Amadalavalasa Mandal, Srikakulam District which is classified as 'Surappa Irrigation Tank and its Irrigation Canal' in land revenue records, through his Proceeding in No. 119/86, dt. 25.08.1986 and construction of residential building being undertaken by 5th respondent in the said canal and action of the 4th respondent in not protecting the canal, in violation of provisions of Andhra Pradesh Revenue - Board Standing Order No. 15 and The Andhra Pradesh Water, Land and Trees Act, 2002, as illegal, irregular, irrational and amounts to non discharge of legal obligation conferred on him under said statute and offends Article 14 of Constitution of India and consequently direct the 2nd respondent to decide petitioner said pending Revision Petition in accordance with law and pass

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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 suspend the operation of D-Form Patta vide Proceeding in No. 119/86, dt. 25.08.1986 issued by the then 4th respondent in respect of land of Ac. 0.50 cents out of Ac.7.93 Cents in Survey No. 108, situated in Loddalapeta Village, Balamam Post, Amadalavalasa Mandal, Srikakulam District which is classified as 'Surappa Irrigation Tank and its Irrigation Canal' and consequently direct the respondents particularly 4th respondent to protect the said 'Surappa Irrigation Tank and its Irrigation Canal', pending disposal of the main Writ Petition and pass

Counsel for the Petitioner:

1.NIMMAGADDA REVATHI

Counsel for the Respondent(S):

1.GP FOR REVENUE

2.S SRINIVASA RAO

The Court made the following order:

The short grievance of the petitioner is that, despite lapse of considerable time, respondent No.2 has not taken any action on the Revision Petition dated 29.12.2022 filed by the petitioner under Paragraph 18 of BSO 15 of the Board of Revenue Standing Orders.

2. Heard Smt. Nimmagadda Revathi, learned counsel for the petitioner, Sri Venkata Satyanarayana, learned Assistant Government Pleader for Revenue, and Sri S. Srinivasarao, learned counsel appearing for the unofficial respondent.

3. Learned counsel for the petitioner, in elaboration to what has been stated in the writ affidavit, submitted that respondent No.4 granted assignment by way of a D-Form Patta in favour of one Pujari Apparao @ Pujari Appaiah under the Ex-Servicemen Quota in respect of land to an extent of Ac.0.50 cents out of Ac.7.93 cents in Survey No.108 of Loddalapeta Village, Balagaam Post, Amadalavalasa Mandal, which is classified as 'Surappa Irrigation Tank and its Irrigation Canal.' Respondent No.4 illegally and irregularly assigned the said land, which forms part of the 'Surappa Irrigation Tank and its Irrigation Canal,' to the original assignee. He further contended that respondent No.5 is presently in illegal occupation of the said land and has raised constructions thereon, contrary to the provisions of the Andhra Pradesh Board Revenue Standing Orders and the provisions of the Andhra Pradesh Water, Land and Trees Act, 2002, and the Rules framed there under. He further submitted that the petitioner submitted a representation dated 29.06.2021 to the respondent

authorities requesting them to initiate appropriate legal action against the alleged illegal encroachment and unauthorized constructions being undertaken by respondent No.5. As no action was taken on the said representation, the petitioner filed W.P.No.13722 of 2021. This Court, by order dated 23.07.2021, directed the respondents therein to dispose of the petitioner's representation within four weeks from the date of receipt of a copy of the order. Pursuant to the said order, respondent No.4 addressed a letter dated 02.08.2022 to respondent No.5 stating that the D-Form Patta had been granted to the original assignee only for the purpose of cultivation by the assignee or his legal heirs and not for raising any constructions and seeking explanation as to why the assignment should not be cancelled and recommended to the District Collector, Srikakulam, that necessary action be initiated in accordance with law. Thereafter, no further action has been initiated by respondent No.4. Aggrieved by such inaction, the petitioner preferred a Revision Petition before respondent No.2 under Paragraph 18 of BSO 15. Though the said Revision Petition was received and acknowledged on 29.12.2022, respondent No.2 has not taken up for consideration. He submitted that it would suffice if a direction is given to respondent No.2 to consider and dispose of the said Revision Petition within a stipulated time.

4. On the other hand, learned Assistant Government Pleader for Revenue, while placing on record the written instructions of the Tahsildar, Amadalavalasa Mandal, *vide* Rc.No.51/2026/A dated 10.02.2026, and the written instructions of the District Collector, Srikakulam, *vide*

Rc.No.1788/2021/E2 dated 23.06.2026, submitted that the matter requires examination and verification of old records. He submitted that the office of respondent No.2 is actively obtaining detailed reports from the Revenue Divisional Officer and the Tahsildar. He further submitted that the petitioner has already been informed to attend a personal hearing before respondent No.2 on 27.06.2026 at 10:30 A.M. for the purpose of enquiry and sought four weeks' time.

5. Sri S. Srinivasarao, learned counsel appearing for respondent No.5, vehemently opposed the writ petition and submitted that the petitioner has no *locus standi* to question the D-Form Patta granted in favour of original assignee, Pujari Apparao. He submitted that respondent No.5 is the legal successor of the original assignee, Pujari Apparao and is lawfully in possession of the subject property. He further submitted that a criminal case has also been registered against the petitioner in connection with the disputes relating to the subject property. He further submitted that the petitioner has deliberately suppressed several facts and has approached this Court with unclean hands. Hence, prayed to dismiss the Writ Petition with exemplary costs.

6. Perused the material available on record and considered the submissions made by learned counsel for the parties.

7. The grievance of the petitioner is that respondent No.2 is not considering the Revision Petition dated 29.12.2022 filed under Paragraph 18 of BSO 15 of the Board of Revenue Standing Orders. Learned Assistant

Government Pleader for Revenue, on written instructions, submitted that the matter requires verification of old records and procurement of necessary reports from the concerned Revenue Divisional Officer and Tahsildar and that the petitioner has already been called upon to attend a personal hearing and that respondent No.2 would require four weeks' time to conclude the proceedings.

8. The objections raised by the learned counsel for respondent No.5 with regard to the maintainability of the Revision Petition, the *locus standi* of the petitioner and the rights claimed by respondent No.5, which require consideration before respondent No.2 while adjudicating the Revision Petition.

9. Having regard to the facts and circumstances of the case and considering the fact that the Revision Petition has been pending since 29.12.2022 and that the relief sought by the petitioner is innocuous, this Court, instead of keeping the Writ Petition pending, is inclined to dispose of the same by passing the following order:

“Respondent No.2 is directed to consider and dispose of the petitioner's Revision Petition dated 29.12.2022, filed under Paragraph 18 of BSO 15 of the Board of Revenue Standing Orders in accordance with law, after affording an opportunity of hearing to the parties concerned, by passing a reasoned order, as expeditiously as possible, preferably within a period of eight (8) weeks from the date of receipt of a copy of this order”.

10. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

As a sequel thereto, interlocutory applications pending, if any in the Writ Petition, shall also stand closed.

JUSTICE RAVI CHEEMALAPATI

29.06.2026

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