

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

**THURSDAY, THE TWENTIETH DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE**

PRESENT

HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 7166 OF 2025



Between:

1. Dodda Chenchaiiah, S/o.late Yallamanda, Aged about 66 years, Occ: Cultivation, R/o.Bodawada Village, Pamur Mandal, Prakasam District.
2. Dodda Ramaiah, S/o.late Yallamanda, Aged about 60 years, Occ: Cultivation, R/o.Bodawada Village, Pamur Mandal, Prakasam District.
3. Dodda China Kotaiah, S/o.late Yallamanda, Aged about 55 years, Occ: Cultivation, R/o.Bodawada Village, Pamur Mandal, Prakasam District.

...PETITIONERS

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary, Revenue Department, Secretariat Buildings, Velagapudi, Amaravati, Guntur District.
2. The District Collector, Ongole, Prakasam District.
3. The Revenue Divisional Officer, Kanigiri, Prakasam District.
4. The Tahsildar, Pamur Mandal, Prakasam District.
5. Dodda Kotaiah @ Peda Kotaiah, S/o.late Yallamanda, Aged about 66 years R/o.Bodawada Village, Pamur Mandal, Prakasam 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 Writ of Mandamus declaring the action of the 4th respondent in

issuing the impugned Notice vide Rc.B/181/2024, dated 19-02-2025 calling the petitioners for enquiry with regard to matter sub-judiced before this Hon'ble High Court vide W.P.No.3606 / 2023 is illegal, arbitrary, unjust and contrary to the provisions contemplated under the Andhra Pradesh Rights in Land and Pattadhar Passbooks Act, 1971 and violative of Constitutional Right under Article 300-A of the Constitution of India and consequently set aside the impugned Notice vide Rc.B/181/2024, dated 19-02-2025 issued by the 4th respondent calling the petitioners for enquiry with regard to matter sub-judiced before this Hon'ble High Court vide W.P.No.3606 / 2023.

IA NO: 1 OF 2025

Petition under Section 151 CPC is filed praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to suspend the impugned Notice vide Rc.B/181/2024, dated 19-02-2025 issued by the 4th respondent and consequently direct the respondents not to interfere with the peaceful possession and enjoyment of the petitioners in respect of their respective Ac.2-45 cents in Survey No.27 of Bodawada Village, Pamur Mandal, Prakasam District and to restore the online mutations made in favour of the petitioners in respect of their respective Ac.2-45 cents in Survey No.27 of Bodawada Village, Pamur Mandal, Prakasam District by enabling them to obtain Certified Copies of 1-B (ROR) and Adangal, pending disposal of the Writ Petition.

Counsel for the Petitioner: SRI CHIRANJEEVI TALASILA

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

Counsel for the Respondent No.5: ----

The Court made the following: ORDER

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APHC010139082025



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

[3329]

**THURSDAY ,THE TWENTIETH DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 7166/2025

Between:

Dodda Chenchiah and Others

...PETITIONER(S)

AND

The State Of Andhra Pradesh and Others

...RESPONDENT(S)

Counsel for the Petitioner(S):

1.CHIRANJEEVI TALASILA

Counsel for the Respondent(S):

1.GP FOR REVENUE

2.

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 7166/2025

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 a Writ order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 4th respondent in issuing the impugned Notice vide Rc.B/181/2024, dated 19.02.2025 calling the petitioners for enquiry with regard to matter sub-judiced before this Hon'ble High Court vide W.P.No.3606 / 2023 is illegal, arbitrary, unjust and contrary to the provisions contemplated under the Andhra Pradesh Rights in Land and Pattadhar Passbooks Act, 1971 and violative of Constitutional Right under Article 300-A of the Constitution of India and consequently set aside the impugned Notice vide Rc.B/181/2024, dated 19.02.2025 issued by the 4th respondent calling the petitioners for enquiry with regard to matter sub-judiced before this Hon'ble High Court vide W.P.No.3606 / 2023 and pass..”

2. Heard learned counsel for the Petitioners and learned Government Pleader for Revenue and perused the material on record.

3. The case of the petitioners herein is that the petitioners as well as 5th respondent herein are the coparceners of the joint family and they jointly



acquired the ancestral property admeasuring Ac.12.25 cents in Sy.No.27 of Bodawada Village, Pamur Mandal, Prakasam District. In view of joint succession of the ancestral property of the coparceners, they entered into partition agreement on 06.09.2003, under which the Petitioners as well as the 5th respondent herein got partitioned the subject property of Ac.12.25 cents between them, more particularly the land in Sy.No.27 to an extent of Ac.2.45 cents each. Pursuant to the representation submitted by the petitioners and 5th respondent the revenue authorities mutated their names in respect of Sy.No.27 in favour of the petitioners as well as the 5th respondent to an extent of Ac.2.45 cents each accepting the partition agreement entered between them on 06.09.2003, in view of the joint application submitted by the all the successors.

4. While things stood thus, the 5th respondent herein filed W.P.No.3606/2023 claiming the entire land in Sy.No.27 to his share and sought for mutation in his favour, wherein this Hon'ble Court not inclined to pass any orders and same is pending for consideration. When the matter is pending for consideration, to the surprise of the petitioners herein the 4th respondent issued 1st and 2nd notices on 19.02.2025 to the petitioners and the 5th respondent herein directing them to submit explanations stating why the claim of the 5th respondent cannot be considered, for which the petitioners submitted a detailed explanation through legal notice dated 25.02.2025.

Without considering the legal notice/explanation, the 4th respondent is trying to mutate the name of the 5th respondent herein as pattadar against the entire extent of Ac.12.25 cents of land in Sy.No.27 of Bodawada Village, Pamur Mandal, Prakasam District. Hence the writ petition.

5. On the other hand learned Government Pleader for Revenue submits that the explanation was submitted by way of legal notice by the petitioners would be considered by the respondent authorities and pass appropriate orders in accordance with law.

6. Heard the submissions made by learned counsel for the Petitioners and learned Government Pleader for Revenue and on perusal of the material on record, it is observed that the property admeasuring Ac.12.25 cents in Sy.No.27 of Bodawada Village, Pamur Mandal, Prakasam District was already partitioned between the petitioners and the 5th respondent by way of a un-registered partition agreement dated 06.09.2003, which was acted upon by all the parties to the document and also recognized and accepted by the revenue authorities and got mutated equal extent of Ac..45 cents in favour of the petitioners and in favour of the 5th respondent till date.

7. In view of the above facts, the petitioners are entitled to hold the land as per the partition agreement even though it was not registered but all the parties concerned are acted upon the partition agreement.

8. In view of the reasons stated above, this Court is of the considered view that the present Writ Petition can be disposed of directing the 4th respondent herein to consider the reply notice / legal notice dated 25.02.2025 of the petitioners with reference to the partition agreement dated 06.09.2003 and the revenue records which were already granted in favour of the Petitioners and 5th respondent and pass appropriate orders within a period of two (2) months from the date of receipt of a copy of this order. In the meanwhile, the 4th respondent is directed not to modify or alter the revenue record which stands as on 04.03.2025. No costs.

9. With the above directions, the Writ Petition is disposed of. No costs.

The miscellaneous petitions pending, if any, shall stand closed.

//TRUE COPY//

Sd/- N. NAGAMMA
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary, Revenue Department, Secretariat Buildings, Velagapudi, Amaravati, Guntur District.
2. The District Collector, Ongole, Prakasam District.
3. The Revenue Divisional Officer, Kanigiri, Prakasam District.
4. The Tahsildar, Pamur Mandal, Prakasam District.
5. One CC to Sri Chiranjeevi Talasila Advocate [OPUC]
6. Two CCs to GP for Revenue, High Court of Andhra Pradesh. [OUT]
7. Three CD Copies

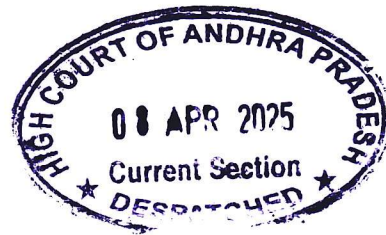
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HIGH COURT

DATED:20/03/2025

ORDER

WP.No.7166 of 2025



DISPOSING OF THE W.P., WITHOUT COSTS