

APHC010141302024



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

[3208]

THURSDAY, THE THIRTEENTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE D RAMESH

WRIT PETITION NO: 7309/2024

Between:

1. KONDISETTI HARINADHA RAO, S/O SWAMULU, AGED 74
YEARS, R/O 16/501-2, MACHAVARAM, MACHILIPATNAM,
KRISHNA DISTRICT.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP BY ITS PRINCIPAL
SECRETARY, REVENUE DEPARTMENT, SECRETARIAT,
VELAGAPUDI, AMARAVATHI, GUNTUR DISTRICT.

2. THE DISTRICT COLLECTOR, MACHILIPATNAM, KRISHNA
DISTRICT.

3. THE REVENUE DIVISIONAL OFFICER, MACHILIPATNAM,
KRISHNA DISTRICT.

4. THE TAHSILDAR, MACHILIPATNAM MANDAL, KRISHNA
DISTRICT..

5. THE SUBREGISTRAR, MACHILIPATNAM, KRISHNA 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 may be pleased to issue an appropriate Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring

the action, things and deeds of Respondents in not delete the land of the Petitioner from the Prohibitory List maintained by 5th Respondent Office under Section 22-A of the Registration Act, 1908, in respect of the land in an extent of 479.44 Sq.yards in Plot No.42 in R.S. No 397/1, Chilakalapudi, Machilipatnam Town and Mandal, Krishna District, which is illegal, irregular, unjust, arbitrary, unconstitutional, contrary to the provisions of the Registration Act, 1908 and its rules and in violation of Articles 14, 19, 21 and 300-A of the Constitution of India consequentially direct the Respondents to delete the land in an extent of 479.44 Sq.yards in Plot No.42 in R.S. No 397/1, Chilakalapudi, Machilipatnam Town and Mandal, Krishna District from the Prohibitory List of 5th Respondent by treating the same as Private Patta Land with full rights and to pass such

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 may be pleased to direct the Respondents to dispose the Representation dated 21-12-2023 in pursuance of the letter addressed by the District Collector in Rc.L4.450/2023 dated 13-04-2023 by deleting the land in an extent of 479.44 Sq.yards in Plot No.42 in R.S. No 397/1, Chilakalapudi, Machilipatnam Town and Mandal, Krishna District from the Register maintained under Section 22-A of Registration Act by 5* Respondent Pending disposal of the main Writ Petition and to pass such

IA NO: 2 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 pleased to grant leave to the petitioners herein/ Respondent No.5 in the W.P.No.7309 of 2024 to file counter affidavit in the above writ petition and pass

IA NO: 3 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 pleased to grant leave permit to file reply affidavit by the Petitioner in W.P. No. 7309 OF 2024 and pass

Counsel for the Petitioner:

1.NARASIMHA RAO GUDISEVA

Counsel for the Respondent(S):

1.GP FOR REVENUE

The Court made the following:

ORDER:

The present writ petition is filed under Article 226 of the Constitution of India for the following relief:

“...to issue an appropriate Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action, things and deeds of Respondents in not deleting the land of the Petitioner from the Prohibitory List maintained by 5th Respondent Office under Section 22-A of the Registration Act, 1908, in respect of the land in an extent of 479.44 Sq. yards in Plot No.42 in R.S.No.397/1, Chilakalapudi, Machilipatnam Town and Mandal, Krishna District, which is illegal, irregular, unjust, arbitrary, unconstitutional, contrary to the provisions of the Registration Act, 1908 and its rules and in violation of Articles 14, 19, 21 and 300-A of the Constitution of India consequentially direct the Respondents to delete the land in an extent of 479.44 Sq. yards in Plot No.42 in R.S.No.397/1, Chilakalapudi, Machilipatnam Town and Mandal, Krishna District from the Prohibitory List of 5th Respondent by treating the same as Private Patta Land with full rights and to pass...” (in verbatim)

2. Learned counsel for the petitioner submits that the petitioner is the absolute owner and possessor of House Site Plot No.42, admeasuring 479.44 square yards in R.S.No.397/1, Chilakalapudi, Machilipatnam Town, and that the same was purchased by the petitioner through Document No. 4770/2010, dated 28.08.2010. Subsequently, when the petitioner intended

to transfer the said property in favour of his son and presented the draft document before the 5th respondent, the same was returned on the ground that the above Plot is included in the list of prohibited properties under Section 22-A of the Registration Act. On coming to know of this, the petitioner submitted *Spandana* representations dated 10.04.2023, 27.11.2023, and 21.12.2023 to the District Collector/2nd respondent, requesting necessary action by treating the subject house site plot as private patta land and deleting it from the list of prohibited properties. However, till date, the respondent authorities have neither considered nor rejected the representations, nor have they passed any orders. Hence, the present Writ Petition.

4. From the above facts, it is evident that the petitioner has to make an appropriate online application before the District Collector/2nd respondent for deletion of the subject property from the 22-A list, notwithstanding the petitioner's claim that he has already submitted *Spandana* representations.

5. In view of the same, this Writ Petition is disposed of, granting liberty to the petitioner to make an appropriate online application before the District Collector/2nd respondent for deletion of the subject property from the 22-A list within a period of two (2) weeks from the date of receipt of a copy of this order. On filing such application, the District Collector/2nd respondent is directed to consider the same and pass appropriate orders

within a period of two (2) months thereafter and communicate the decision to the petitioner. There shall be no order as to costs.

Consequently, miscellaneous applications pending, if any, shall stand closed.

JUSTICE D. RAMESH

13th November, 2025
cbn

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THE HON'BLE SRI JUSTICE D. RAMESH

Writ Petition No.7309 of 2024

13th November, 2025

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