

APHC010144452025



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

[3505]

WEDNESDAY ,THE SEVENTH DAY OF MAY
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE T.C.D.SEKHAR

WRIT PETITION NO: 7383/2025

Between:

K Khadar Basha and Others

...PETITIONER(S)

AND

The State Of Andhra Pradesh and Others

...RESPONDENT(S)

Counsel for the Petitioner(S):

1.VUTUPALLI RAJANNA

Counsel for the Respondent(S):

1.GP FOR REVENUE

2.M/S INDUS LAW FIRM

The Court made the following order:

It is the case of the petitioners that, they made an application *vide* Application No.APDL012200207542, before the 3rd respondent for updation of RSR of Doddipalli Village in respect of land admeasuring an extent of Ac.1.00 cents in Sy.No.1955/2A under A.P Dotted Lands Act, 2017 and for deletion of the said land from prohibited properties notified under Section 22-A(1) (e) of Registration Act, 1908. The 3rd respondent after issuing notice to 7th respondent and after hearing the petitioner and the 7th respondent issued proceedings in R.Dis.No.E3/1128/2022, dated 17.02.2023, by declaring the subject land as private patta land under Section 7 of the said Act and further directed to delete the same from the list of prohibited properties.

2. It is further case of the petitioners that aggrieved by the said order, the 7th respondent preferred appeal under Section 8(1) of the said Act, before the 2nd respondent. Thereafter, the 2nd respondent by letter dated 15.06.2023 forwarded the said appeal to the District Collector to take appropriate action in the matter. It is further stated that pursuant to the said letter addressed by the 2nd respondent, the 4th respondent taken up the matter and after hearing the parties passed impugned order dated 18.02.2025, whereunder order dated 17.02.2023 passed by the 3rd respondent was set aside. Questioning the said order, the present writ petition is filed on the ground that the 2nd respondent ought not to have forwarded the appeal to the District Collector and the 4th respondent has no jurisdiction to pass the order under challenge.

3. Heard counsel for the petitioners, counsel for the 7th respondent and the learned Assistant Government Pleader for Revenue.
4. Perused the material available on record.
5. With the consent of all the counsel, the present writ petition is disposed of at the stage of admission itself.
6. It is not in dispute that the petitioners made an application seeking for updation of RSR of Doddipalli Village in respect of land admeasuring an extent of Ac.1.00 cents in Sy.No.1955/2A. The 3rd respondent after hearing all the parties passed order dated 17.02.2023. It is also not in dispute that the 7th respondent preferred appeal under Section 8(1) of the said Act before the 2nd respondent. On a perusal of letter dated 15.06.2023, it is clear that, copy of the appeal was forwarded to the District Collector. Based on the said letter, curiously the 4th respondent taken up the matter as if he is the appellate authority under the Act and passed impugned order dated 18.02.2025, setting aside the order dated 17.02.2023 passed by the 2nd respondent.
7. During the course of hearing, the learned counsel for 7th respondent fairly submitted that, the impugned order is without jurisdiction and requested this Court to set aside the same and to direct the 2nd respondent to hear the appeal in accordance with law. He would further request that along with the said appeal an interlocutory application is filed seeking to suspend order dated 17.02.2023 passed by the 4th respondent.

8. Taking into consideration of the submissions made by both the counsel, the impugned order dated 18.02.2025, passed by the 4th respondent and letter dated 15.06.2023, issued by the 2nd respondent are set aside. Further, the 2nd respondent is directed to dispose of the appeal filed by the 7th respondent strictly in accordance with law. The 2nd respondent is further directed to dispose of the interlocutory application filed along with the appeal within a period of six (06) weeks from the date of receipt of copy of this order. It is needless to mention the 2nd respondent shall afford opportunity of being heard to both the petitioners and the 7th respondent.

9. Accordingly, the writ petition is allowed. No costs.

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

T.C.D.SEKHAR,J

Date: 07.05.2025
TM

THE HONOURABLE SRI JUSTICE T.C.D.SEKHAR

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TM