

APHC010154192023



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

[3332]

TUESDAY, THE SIXTEENTH DAY OF JUNE
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

WRIT PETITION NO: 7929/2023

Between:

- 1.KATAM LAKSHMI, W/O. CHINNABBAI, AGED ABOUT YEARS, OCC. HOUSE WIFE, R/O. DOOR NO. 3-5-11/5, A.V. R NAGAR, AMALAPURAM, DR B R AMBEDKAR KONASEEMA DISTRICT. ERSTWHILE EAST GODAVARI DISTRICT.
- 2.KATAM ARUNA KUMARI,, D/O. CHINNABBAI, AGED ABOUT YEARS, OCC. HOUSE WIFE, R/O. DOOR NO. 3-5-11/5, A.V. R NAGAR, AMALAPURAM, DR B R AMBEDKAR KONASEEMA DISTRICT. ERSTWHILE EAST GODAVARI DISTRICT.

...PETITIONER(S)

AND

- 1.THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, REVENUE DEPARTMENT, VELAGAPUDI, AMARAVATI, GUNTUR DISTRICT.
- 2.THE DISTRICT COLLECTOR, DR. B R AMBEDKAR KONASEEMA DISTRICT, AMALAPURAM.
- 3.THE REVENUE DIVISIONAL OFFICER, AMALAPURAM, DR B R AMBEDKAR KONASEEMA DISTRICT.
- 4.THE TAHSILDAR, KATRENIKONAMANDAL, DR B R AMBEDKAR KONASEEMA DISTRICT,
- 5.PALEPU DHANA LAKSHMI, W/O. GOVINDU, AGED ABOUT YEARS, OCC. HOUSE WIFE, R/O. PALLAM VILLAGE, KATRENIKONA

MANDAL, DR B R AMBEDKAR KONASEEMA 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 an appropriate writ of mandamus declaring the inaction of the respondent No 4 is taking action against the unofficial respondent though the petitioner made representations dated 13.01.2023 as illegal, arbitrary, and violation of Principles of Natural Justice and consequently direct the respondents to consider the representation of the petitioner dated 13.01.2023 against the 5th respondent as per law and pass

IA NO: 1 OF 2023

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 4th respondent to consider the representation of the petitioner dated 13.01.2023 and to take action against the 5th respondent as per law in the above said land and to take action against unofficial respondents as per law and pass

IA NO: 1 OF 2026

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 grant leave to the 4th Respondent in Writ Petition No.7929 of 2023 to file the counter affidavit in the above Writ Petition and pass

Counsel for the Petitioner(S):

1.KALE VIJAYA RAJU

Counsel for the Respondent(S):

1.GP FOR REVENUE

2.K.V.AKHILESWARA REDDY

The Court made the following order:

Questioning the inaction of respondent No.4 in considering the representation made by the petitioners dated 13.01.2023, the present Writ Petition has been filed.

2. Heard Sri Kale Vijaya Raju, learned counsel for the petitioners, Sri Venkata Satyanarayana, learned Assistant Government Pleader for Revenue appearing for respondent Nos.1 to 4 and Sri K.V.Akhileswara Reddy, learned counsel for respondent No.5.

3. Learned counsel for the petitioners, in elaboration to what has been stated in the affidavit contended that respondent No.4 has issued house site pattas bearing Plot Nos.24 and 25 in an extent of Ac.0.03 cents in survey No.744 of Pallam Village of Katrenikona Mandal in favour of petitioner No.1 and grandmother of petitioner No.2-Palepu Kasulamma respectively. Upon the demise of the said Palepu Kasulamma, Plot No.25 devolved upon petitioner No.2 by way of succession. He further submitted that when the petitioners shifted their families from Pallam Village to Anakapalli town for the purpose of their children's education, respondent No.5 grabbed their houses by breaking open the doors and stayed therein. Despite making a representation dated 13.01.2023 to the respondent authorities, no action has been taken. He further submitted that it would suffice, if a direction is given to the respondent authorities to consider the representation of the petitioners and take appropriate action against respondent No.5 in accordance with law.

4. On the other hand, learned Assistant Government Pleader for Revenue, while reiterating the contents of the counter affidavit filed by respondent No.4-Tahsildar, Katrenikona Mandal, contended that as per the enquiries conducted by the Mandal Revenue Inspector and the Village Revenue Officer, the disputed house is not situated in R.S.No.744 of Pallam Panchayat. He further submitted that as per the said enquiries, after the death of Kasulamma, petitioner No.1, along with her husband and son, sold the house to respondent No.5 under an unregistered sale deed dated 05.08.2004 and since then respondent No.5 has been living in it. He further submitted that the petitioners are not the sole legal heirs of late Kasulamma and there are two other sons to her and they are also necessary parties to the dispute. He further submitted that respondent No.5 has furnished Xerox copies of the house tax receipts and electricity bills in support of his claim. He further submitted that the respondent authorities would look into the representation submitted by the petitioners and pass appropriate orders after conducting enquiry in accordance with law.

5. Learned counsel for respondent No.5, while reiterating the contents of the counter affidavit of respondent No.5, contended that the house property, which the petitioners are claiming, is absolutely belongs to respondent No.5 and the petitioners have nothing to do with the said house property and the subject survey number is situated far away to the Pallam Village. Hence, prayed to dismiss the Writ Petition.

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

7. The grievance of the petitioners is that they are the absolute owners of the subject property and that respondent No.5 has unlawfully occupied the same and residing therein, as such, they made a representation to the Tahsildar-respondent No.4 to take action against respondent No.5 in accordance with law. On the other hand, respondent No.4 contended that upon enquiries by the Mandal Revenue Inspector and the Village Revenue Officer, it was found that the disputed house is not situated in R.S.No.744 of Pallam Village and that respondent No.5 has been residing therein since the year 2004 pursuant to an unregistered sale transaction. Respondent No.5 also disputes the claim of the petitioners and asserts independent rights over the property.

8. As could be culled out from the material available on record and the submissions made by learned counsel for the parties, there are rival claims with regard to the title, possession and ownership of the subject property. In the considered view of this Court, such disputed questions of fact cannot be adjudicated in exercise of the jurisdiction under Article 226 of the Constitution of India. However, since the petitioners' representation dated 13.01.2023 is said to be pending consideration before the respondent authorities and the learned Assistant Government Pleader for Revenue has submitted that the same would be looked into, this Court, without expressing any opinion on the

merits, is inclined to dispose of the Writ Petition by passing the following order:

“Respondent No.4-Tahsildar, Katrenikona Mandal, Dr.B.R Ambedkar Konaseema District is directed to look into the grievance of the petitioners and take appropriate action in accordance with law, after conducting an enquiry and after affording an opportunity of hearing to the parties concerned and pass a reasoned order strictly in accordance with the provisions of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (Act 9 of 1977), within a period of three (3) months from the date of receipt of a copy of this order and communicate the same to the parties concerned.”

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

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

JUSTICE RAVI CHEEMALAPATI

16.06.2026

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THE HON'BLE SRI JUSTICE RAVI CHEEMALAPATI

WRIT PETITION NO.7929 of 2023

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