



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

[3562]

FRIDAY, THE 19th DAY OF JUNE 2026

PRESENT

THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI

THE HONOURABLE SRI JUSTICE SUBHENDU SAMANTA

WRIT APPEAL NO: 535/2026

Writ Appeal under clause 15 of the Letters Patent appellants above named beg to present this Memorandum of Grounds of Appeal before this Honhle Court against the Interim Orders dt.02.03.2026 passed in I.A.No.I of 2026 in W.P.No.5750 of 2026 passed by Honble Single Judge in Refusing to Grant the Stay. Aggrieved against non-granting of interim relief as prayed by the Appellants as writ petitioners in W.P.No.5750 of 2026, the appellants preferred the following among the other

Between:

- 1.ANEM ANJANEYNLU,, W/O SRI ANEM VENKATA RAO, AGED 75 YEARS, RAJAVOMMANGI (V) MANDAL. EAST GODAVARI DISTRICT. (PREVIOUSLY ASR DISTRICT) (PRESENTLY POLAVARAM DISTRICT).
- 2.ANEM NAGAMANI, W/O LATE SUBRAMANYAM, AGED 46 YEARS,D.NO. 10-30, BALABADRAPURAM(V), BICCAVOLU MANDAL. EAST GODAVARI DISTRICT.
- 3.ANEM DURGA PRASAD,, S/O LATE SUBRAMANYAM, AGED 29 YEARS,D.NO. 10-30, BALABADRAPURAM(V), BICCAVOLU MANDAL. EAST GODAVARI DISTRICT
- 4.ANEM ARUNA,, D/O LATE SUBRAMANYAM, AGED 26 YEARS, D.NO. 10-30, BALABADRAPURAM(V), BICCAVOLU MANDAL. EAST GODAVARI DISTRICT.

...APPELLANT(S)**AND**

- 1.THE STATE OF ANDHRA PRADESH, FGSTATE OF ANDHRA PRADESH, REP BY ITS PRINCIPAL SECRETARY, REVENUE DEPARTMENT, SECRETARIATE, VELAGAPUDI,AMARAVATI, GUNTUR DISTRICT-522238.
- 2.THE JOINT COLLECTOR, RAMPACHODAVARAM, EAST GODAVARI DISTRICT- 533288. (PREVIOUSLY ASR DISTRICT) (PRESENTLY POLAVARAM DISTRICT).).
- 3.THE TAHSILDAR, RAJAVOMMANGI MANDAL, EAST GODAVARI DISTRICT- 533436. (PREVIOUSLY ASR DISTRICT) (PRESENTLY POLAVARAM DISTRICT).
- 4.VILLAGE REVENUE OFFICER, RAJAVOMMANGI VILLAGE, EAST GODAVARI DISTRICT- 533294. (PREVIOUSLY ASR DISTRICT) (PRESENTLY POLAVARAM DISTRICT).
- 5.THE STATION HOUSE OFFICER, RAJAVOMMANGI POLICE STATION, EAST GODAVARI DISTRICT- 533436. (PREVIOUSLY ASR DISTRICT) (PRESENTLY POLAVARAM DISTRICT)
- 6.JALLI DIVYA JYOTHI, D/O JALLI RATNA KUMARI, AGED 26 YEARS, RAJAVOMMANGI (V) MANDAL. EAST GODAVARI DISTRICT-533436. (PREVIOUSLY ASR DISTRICT) (PRESENTLY POLAVARAM DISTRICT).

...RESPONDENT(S):

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 an order of Dispensing With the filing of the C.C of the Orders dt.02-03-2026 passed in W.P.No.5750 of 2026, by receiving the web copy, enabling the petitioners to prosecute the main appeal on merits, and pass

IA NO: 2 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 Interim Direction by Directing Respondent no.3 his men and staff and sub-ordinates not to interfere with the possession and enjoyment of the Petitioners over the land of total extent of Ac.4-56cts in Sy.No.242/1, 242/2, 242/4 & 242/6B situated at Rajavommangi village and mandal presently Polavaram District until further orders of this Hon'ble Court pending disposal of the appeal, and such other order or orders v/hich this Hon'ble Court deem fit and proper under the circumstances of the case.

Counsel for the Appellant(S):

1.P RAJESH BABU

Counsel for the Respondent(S):

1.GP FOR HOME

2.GP FOR REVENUE

3.T N M RANGA RAO

The Court made the following:

THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI
THE HONOURABLE SRI JUSTICE SUBHENDU SAMANTA

WRIT APPEAL No.535 of 2026

JUDGMENT: *(per Hon'ble Sri Justice Ravi Nath Tilhari)*

Heard Sri P.Rajesh Babu, learned counsel for the writ appellants, Sri T.N.M.Ranga Rao, learned counsel appearing for the 6th respondent, learned Assistant Government Pleader for Revenue appearing for respondent Nos.1 to 4 and notice for the 5th respondent has been accepted by the learned Government Pleader for Home.

2. Writ appellants are the writ petitioners in W.P.No.5750 of 2026 pending before the learned Single Judge. The respondents in the writ appeals are respondent Nos.1 to 6 in the writ petition.

3. The writ appellants filed the writ petition with the following prayer:

“.....to issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus

(i) declaring the action on the part of Respondent nos.3, 4 & 5 along with their subordinates in trying to take possession of Ac.0-40 cts out of the total extent of land of Petitioner no.1 i.e., of Ac.4-56 cts in Sy.No.242/1, 242/2, 242/4 & 242/6B situated at Rajavommangi village and mandal presently

Polavaram District, at the instance of Respondent no.6 and with a view to handover to her, under the guise of the orders passed by Respondent no.3 vide REF:B.51.2025 dt.07-04-2025 which were confirmed by the Respondent no.2 under Revision in RP.No. 1 of 2025 as per orders vide RC.No.51/2025/B dt.29-12-2025 (received on 21-02-2026) and high handedly trying to deliver Ac.0-40 cts of land by erecting cement poles, even before the receiving of the copy of the orders in the revision and despite the Legal Notice got issued by the Petitioners on 18-02-2026, Respondent nos.2, 3 and others and despite the objection made by the Petitioner no.1 still trying to interfere with the possession of the Petitioners is nothing but unlawful, illegal, high handed and in violation of the Fundamental Rights of the Petitioners under guaranteed under Article 14,19(g), 21 & 300A of Constitution of India,

(ii) by consequently directing Respondent nos.3 to 6 not to interfere with the possession and enjoyment of the Petitioners over the land of total extent of Ac.4-56cts in Sy.No.242/1, 242/2, 242/4 & 242/6B situated at Rajavommangi village and mandal presently Polavaram District, and to pass such other order or orders which this Hon'ble Court may deem fit and proper in the circumstances of the case."

4. By order dated 02.03.2026 under challenge in the writ appeal, the petitioners' prayer for grant of interim relief has been rejected. The interim prayer was direction to the respondents not to dispossess the petitioners from the land in question. The operative part of the impugned judgment reads as under:

" Heard the learned counsel for the petitioners and the learned counsel for the petitioners is permitted to take out personal notice to the 6th respondent and proof of service shall be filed within a period of three (03) weeks from today.

This writ petition is filed questioning the action of the respondent Nos.3 to 5 in trying to interfere with the subject land in an extent of Ac.0.40 cents out of Ac.4.56 cents in Sy.Nos.242/1, 242/2, 242/4 and 242/6B situated at Rajavommangi Village and Mandal presently Polavaram District and trying to take possession to hand over the same to the 6th respondent under the guise of the orders of the 3rd respondent dated 07.04.2025 in pursuance of the orders of the 2nd respondent in the revision petition No.1 of 2025 dated 29.12.2025 (received on 21.02.2026).

On the other hand, the learned Assistant Government Pleader relying upon the written instructions of the 3rd respondent dated 28.02.2026 submits that the writ petitioner instituted O.S.No.3 of 2025 on the file of Mobile Court Rampachodavaram, seeking grant of temporary injunction pending disposal of the suit in respect of the plait schedule property therein to an extent of Ac.0.24 cents in Sy.No.242/2B1 and Ac.0.16 cents in Sy.No.242/4B situated at Rajavommangi Village, Rajavommangi Mandal. But the said interim application was disposed of without granting any interim order in favour of the writ petitioners. Aggrieved by the orders of the Sub-Collector, Rampachodavaram, the petitioners filed revision petition before the 2nd respondent in R.P.No.1 of 2025, which was ordered as under :-

“In view of the above findings and the foregoing discussion, this Court is of the considered opinion that the Revision Petitioners have failed to establish their case with credible and cogent evidence. Consequently, the impugned order dated 17.05.2025 in Ref.D.246/2025 (Appeal No.1/2025) passed by the Appellate Authority & Sub-Collector, Rampachodavaram, does not warrant any interference by this Court. The said order is accordingly upheld, and the Revision Petition stands disposed of.”

He further submits that as per the said instructions of the 3rd respondent, the writ petitioners are not in possession of the subject land to an extent of Ac.0.40 cents and the same is in possession and enjoyment of the 6th respondent, who constructed the residential house thereon and residing in the said property. As per the existing revenue records, the writ petitioners presently holds Ac.0.11 cents in Sy.No.242/6B and Ac.1.45 cents in Sy.No.242/4B. Out of the said extent, Ac.0.35 cents is falling within the alignment of National Highway No.516E.

In reply, the learned counsel for the petitioners also submits that the above said suit proceedings are dropped by the order of the Sub-Divisional Magistrate, Mobile Court, Rampachodavaram dated 07.11.2025.

In view of the above said facts and circumstances, on perusal of the order in revision petition No.1 of 2025 of the 2nd respondent dated 29.12.2025 and the orders of the 3rd respondent dated 07.04.2025, the 3rd respondent only considered the mutation application of the 6th respondent with respect to the subject land to an extent of Ac.0.40 cents in Sy.No.242/4B and Sy.No.242/2B1 and the aggrieved persons are having liberty to question the same before the appellate authority within 30 days from the date of receipt of the said order. Hence, the petitioners are at liberty to avail the said remedies.

In the said situation it is not a case for granting any interim relief. Notwithstanding the pendency of this writ petition, the writ petitioners are at liberty to file remedy of appeal as per the rules.

List on 30.03.2026.

In the meanwhile, the Assistant Government Pleader for Revenue takes notice for the respondent Nos.1 to 4 and the learned Assistant Government Pleader for Home takes notice for the 5th respondent, to file counter affidavits.

5. Learned counsel for the appellants submits that the 3rd respondent, Tahsildar and Mandal Executive Magistrate, Rajavommangi Mandal, passed order dated 07.04.2025 in the proceedings under Section 5(3) of the Andhra Pradesh Rights in Land Rights and Pattadar Passbooks Act, 1971, which was against the petitioners and challenging the same, the appeal was filed before the Revenue Divisional Officer, which was dismissed on 17.05.2025. The revision filed against such order was also dismissed by the 2nd respondent-Joint Collector, on 29.12.2025. The grievance raised was that based on those orders, the

respondents in the writ petition were trying to interfere with the possession of the petitioners.

6. Learned counsel for the appellants submits that the main ground as appears from the impugned order for rejection of interim order prayer is that the petitioners have the remedy by questioning the orders so passed, before the appellate authority within 30 days from the date of receipt of that order. So, it was also observed that the petitioners were at liberty to avail the said remedies and consequently, it was observed that, that was not a case for grant of any interim relief notwithstanding the pendency of that writ petition. It was further observed that the writ petitioners were at liberty to avail remedy of appeal as per the rules.

7. Learned counsel for the appellants submits that after the order of 29.12.2025, there is no remedy under the Act and Rules. He submits that the appeal preferred by the appellants was dismissed, and the revision petition filed thereafter was also dismissed. Consequently, there is no statutory provision under the Act or the Rules for challenging the revisional order. He further submits that the order dated 29.12.2025 has been challenged by filing W.P.No.8597 of 2026, which is also pending in this Court.

8. Sri T.N.M.Ranga Rao, learned counsel appearing for the 6th respondent and learned Assistant Government Pleader for Revenue appearing for respondents 1 to 4 do not dispute that there is no remedy of appeal under the statutory provision after the order of dated 29.12.2025 passed in revision.

9. Learned counsel for the 6th respondent, however, submits that the copy of the order passed in statutory appeal was not filed in the writ petition and so that might be the reason for making such observation. However, has not disputed that the statutory appeal filed by the writ appellants was dismissed and against that order, the revision was filed, which was also dismissed.

10. Considering the aforesaid submission, we are of the view that the impugned judgment proceeds on the wrong assumption that there is a remedy of appeal against the order dated 29.12.2025 under the statutory provisions, which in fact is not there. That aspect has prevailed in rejecting the interim prayer.

11. Consequently, the prayer for grant of interim relief in the pending writ petition deserves to be reconsidered.

12. The Writ Appeal is allowed in part. The impugned order is set aside. The petitioners' application for interim relief stands restored

for reconsideration in the writ petition. There shall be no order as to costs.

As a sequel, interlocutory applications pending if any, shall stand closed.

RAVI NATH TILHARI, J

SUBHENDU SAMANTA, J

Date: 19.06.2026
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THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI
THE HONOURABLE SRI JUSTICE SUBHENDU SAMANTA

WRIT APPEAL No.535 OF 2026

DATE: 19.06.2026

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