

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATHI
(SPECIAL ORIGINAL JURISDICTION)

TUESDAY, THE ELEVENTH DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE

:PRESENT:

HONOURABLE SRI JUSTICE NYAPATHY VIJAY
WRIT PETITION Nos. 11294, 13918, 21756 of 2022



Writ Petition No.11294 of 2022:

Between:

Gorle Gaddamma, S/o Late Pothanna, Aged about 74 years, R/o H.No.5-88, Marikavalasa Panchayathi, Paradesipalem village, Visakhapatnam Rural Mandal, Visakhapatnam District, Represented by her GPA Holder Sri K V Chowdary, S/o Subba Rao, aged about 58 years, R/o 4-62-2, Lawsons Bay Colony, VISAKHAPATNAM - 17.

...Petitioner

AND

1. The State of Andhra Pradesh, Rep. by it's Secretary Revenue Department, Secreatariat Buildings, Velagapudi, Amaravathi, Guntur District, Andhra Pradesh.
2. The Commissioner, The Visakhapatnam Metro Regional Development Authority, (VMRDA), Udyoga Bhavan, Siripuram Junction, VISAKHAPATNAM.
3. The District Collector, Visakhapatnam District at Maharanipecta, VISAKHAPATNAM.
4. The Tashildar, Visakhapatnam Rural Mandal at Chinnagadili, VISAKHAPATNAM.

...Respondents

Petition under Article 226 of the Constitution of India is filed praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate Writ, Order or Direction more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents, particularly 4TH respondent's Proceedings vide Rc.No.120/2018/A, dated 18-08-2021 keeping his own orders issued incorporating the land measuring an extent of Ac.0.55 cents in Sy.No.155/3 of paradesipalem village against the petitioner's application for mutation under Form-VI-A vide his office proceedings Rc.No.203/2021/A, dated 08-04-2021 in abeyance on the pretext of the objection made by 2nd respondent as being illegal, arbitrary, without authority and in violation of Art. 14, 16, 19 (1) (G), 21 and 300-A of Constitution of India and consequently set aside the same

IA NO: 1 OF 2022

Petition under Section 151 of 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 operation of the 4th respondent's proceedings in Rc.No.120/2018/A, dated 18-08-2021, Pending disposal of WP 11294 of 2022, on the file of the High Court.

The Petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and the order of the High Court dated:18.04.2024 and upon hearing the arguments of SRI V V SATISH, Advocate for the Petitioner, and of GP FOR REVENUE, for the Respondent Nos.1,3 & 4, and of SRI V.SURYA KIRAN KUMAR, Standing Counsel for the Respondent No.2

WRIT PETITION NO: 13918 OF 2022

Between:

Kolla Venkateswaralu, s/o Venkatiah, aged 53 years, Door No. 24-11-1501,
Military Colony, Dhargamitta, Nellore

...Petitioner

AND

1. State of Andhra Pradesh, Rep by its Principal Secretary, Revenue Department, Secretariat, Amaravati
2. The Revisional Authority and Joint Collector, Visakhapatnam, Joint Collector Office, Maharani Peta, Visakhapatnam District
3. The Revenue Divisional Officer, Visakhapatnam, Krishna Nagar, Maharani Peta, Visakhapatnam, Andhra Pradesh
4. Penmetsa Krishnam Raju, S/o L. Venkata Raju, aged 69 years, R/o D.No. 53 - 33 - 38, K.R.M. Colony, Seethammadhara, Visakhapatnam, Visakhapatnam District.

(R4 is impleaded as per the Order of this Court, dt.07.11.2023 vide order passed in I.A.2 of 2022.)

...Respondents

Petition under Article 226 of the Constitution of India is filed praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to

A.issue a writ of mandamus or any other writ declaring the action of the 2nd respondent in passing orders dated 27-03-2022 in RP number 10/2021 on file no. revision REV-DSECOGNR(ROR)/165/2021-SA(D2)- VSKPCO bearing RC number 1077/2021/D2 dated 15-11-2021 in respect of the land admeasuring Ac. 0-38 cents covered by old S. No 176/3 new S. No 155/3 of Paradesipalem Village, within the limits of GVMC, Visakhapatnam District without following due procedure and passing orders in violation of principles of natural justice

B. issue a writ of mandamus or any other writ declaring the action of the 2nd respondent in admitting the revision application under section 9 of A.P. Rights in Land and Pattadar Passbooks Act 1971 and issuing notice in RT number 10/2021 on file no. revision RE DSECOGNR(ROR)/165/2021-SA(D2)-VSKPCO bearing RC number 1077/2021/D2 dated 15-11-2021 in respect of the land admeasuring Ac. 0-38 cents covered by old S. No 176/3 new S. No 155/3 of Paradesipalem Village, within the limits of GVMC, Visakhapatnam District as the same is high handed and against scope and spirit of S.9 of A.P. Rights in Land and Pattadar Passbooks Act 1971

IA NO: 1 OF 2022

Petition under Section 151 of 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 pass an order staying the orders dated 27-03-2022 passed by the Revisional Authority and Joint Collector, Visakhapatnam District in revision application RP No. 10/2021 on file no. revision REV-DSECOGNR(ROR)/165/2021-SA(D2)-VSKPCO bearing RC number 1077/2021/D2 dated 15-11-2021, Pending disposal of WP 13918 of 2022, on the file of the High Court.

The Petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and the order of the High Court dated:18.04.2024 and upon hearing the arguments of V V RAVI PRASAD Advocate for the Petitioner, and of GP FOR REVENUE, for Respondents 1 to 3

WRIT PETITION NO: 21756 OF 2022

Between:

P. Krishnam Raju, S/o. Late Venkata Raju, Aged 68 years, R/o.D.No.53-33-38, KRM Colony, Seethammadhara, Visakhapatnam, Visakhapatnam District.

...Petitioner

AND

1. The State of A.P., Rep. by its Prl Secretary, M.A. and U.D Department, Secretariat, Velagapudi, Amaravathi, Guntur District.
2. The Visakhapatnam Metropolitan Region Development Authority (VMRDA), Rep. by its Metropolitan Commissioner, Gandhi Place, Siripuram, Visakhapatnam.
3. The Estate Officer, VMRDA, Gandhi Place, Siripuram, Visakhapatnam.
4. The District Collector, Visakhapatnam District.
5. The District Registrar, Stamps and Registration, Visakhapatnam.
6. The Joint-Sub Registrar, Registration Department, Madhurawada, Visakhapatnam, Visakhapatnam District.
7. The Revenue Divisional Officer, Bheemunipatnam, Visakhapatnam District.
8. The Tahsildar, Chinagadili Mandal, Visakhapatnam (Rural), Visakhapatnam District.
9. Kolla Venkateswarlu, Son of Venkatayya, Hindu, aged 57 years, resident of D No 24 -11 -1501, Military Colony, Dharga Mitta, Nellore.
(RR9 is impleaded as per the order of this Court dt 19/01/2023 vide order passed in IA 02/2022)

...Respondents

Petition under Article 226 of the Constitution of India is filed praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ of Mandamus or any other appropriate writ, order or direction by declaring that

(1) the Endorsement in Rc.No.6669/06/Estate/1-2,(e-file Comp.No.302145), dated 09.06.2022, issued by the 2nd respondent, is illegal, arbitrary and contrary to the Development Agreement-cum-General Power of Attorney dated 08.02.2007 and

(2) the action of the respondents in issuing the Endorsement to obtain title from the competent civil Court is illegal, arbitrary and consequently set-aside the Endorsement in Rc.No.6669/06/Estate/1-2, (e-

file.Comp.No.302145), dated 09.06.2022, consequently directing the respondents to execute registered sale deeds in the petitioner's favour in terms of the Development Agreement-cum-General Power of Attorney, dated 08.02.2007

IA NO: 1 OF 2022

Petition under Section 151 of 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 direct the respondents not to alienate or meddle with the land situated in Survey No.155/3 of Paradesipalem Village, Chinagadili Mandal, Visakhapatnam District, Pending disposal of WP 21756 of 2022, on the file of the High Court.

The Petition, coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and the order of the High Court dated:18.04.2024 and upon hearing the arguments of SRI DEVI PRASAD MANGALAPURI Advocate for the Petitioner, and of GP FOR MUNICIPAL ADMN URBAN DEV, for the Respondent No.1, and of SRI V.SURYA KIRAN KUMAR, Standing Counsel for the Respondent Nos.2 & 3, and of GP FOR REVENUE, for the Respondent Nos.4,7 & 8, and of GP FOR STAMPS & REGISTRATION, for the Respondent Nos.5 & 6, the Court made the following

COMMON ORDER:

“This Court on 18.04.2024 had passed a common interlocutory order while taking into consideration the subject involved in the cases directing the respondent (VUDA) to conduct a survey of the land situated in Sy.No.155/3 with the assistance of the Deputy Director of Surveys, Visakhapatnam, and file a report before this Court specifying the total extent of the land to be available in the said survey number after due

intimation regarding the survey to the Petitioner. Though no specific time limit fixed by this Court under the above order, subsequently, this Court on 20.06.2024 granted Eight weeks time to comply with the directions referred to above.

However, it is represented by the learned counsel for the Petitioners that no survey was conducted as directed by this Court till date.

Taking into consideration the order passed by this Court referred to above, the respondent (VUDA) is directed to comply with the Order passed by this Court dated 18.04.2024 within a period of Four weeks from today. It is made clear that if the said Order is not complied with as directed by this Court, the same would be construed as disobedience of this Court and action would be initiated by this Court for the act of disobedience. Post after four weeks."

Sd/- B. CHITTI JOSEPH
ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To,

1. The Secretary, Revenue Department, State of Andhra Pradesh, Secretariat Buildings, Velagapudi, Amaravathi, Guntur District, Andhra Pradesh.
2. The Commissioner, The Visakhapatnam Metro Regional Development Authority, (VMRDA), Udyoga Bhavan, Siripuram Junction, VISAKHAPATNAM.
3. The District Collector, Visakhapatnam District at Maharanipeta, VISAKHAPATNAM.
4. The Tashildar, Visakhapatnam Rural Mandal at Chinnagadili, VISAKHAPATNAM.
5. The Revisional Authority and Joint Collector, Visakhapatnam, Joint Collector Office, Maharanipeta, Visakhapatnam District

6. The Revenue Divisional Officer, Visakhapatnam, Krishna Nagar, Maharani Peta, Visakhapatnam, Andhra Pradesh
7. Penmetsa Krishnam Raju, S/o L. Venkata Raju, aged 69 years, R/o D.No. 53 - 33 - 38, K.R.M. Colony, Seethammadhara, Visakhapatnam, Visakhapatnam District.
8. The Principal Secretary, M.A. and U.D Department, State of Andhra Pradesh, Secretariat, Velagapudi, Amaravathi, Guntur District.
9. The Metropolitan Commissioner, Visakhapatnam Metropolitan Region Development Authority (VMRDA), Gandhi Place, Siripuram, Visakhapatnam.
10. The Estate Officer, VMRDA, Gandhi Place, Siripuram, Visakhapatnam.
11. The District Registrar, Stamps and Registration, Visakhapatnam.
12. The Joint-Sub Registrar, Registration Department, Madhurawada, Visakhapatnam, Visakhapatnam District.
13. The Revenue Divisional Officer, Bheemunipatnam, Visakhapatnam District.
14. The Tahsildar, Chinagadili Mandal, Visakhapatnam (Rural), Visakhapatnam District.
15. Kolla Venkateswarlu, Son of Venkatayya, Hindu, aged 57 years, resident of D No 24 -11 -1501, Military Colony, Dharga Mitta, Nellore.

(Addressees 1 to 15 by RPAD)

16. One CC to SRI. V V SATISH Advocate [OPUC]
17. One CC to SRI V V RAVI PRASAD, Advocate [OPUC]
18. One CC to SRI M.DEVI PRASAD, Advocate [OPUC]
19. Two CCs to GP FOR REVENUE ,High Court of Andhra Pradesh.
[OUT]
20. Two CCs to GP FOR MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT, High Court of Andhra Pradesh [OUT]
21. One CC to SRI V.SURYA KIRAN KUMAR, Standing Counsel
[OPUC]

22. Two CCs to GP FOR STAMPS & REGISTRATION, High Court of
Andhra Pradesh [OUT]

23. **One spare copy**

KJ

HIGH COURT

VN,J

DATED:11.03.2025

NOTE: POST AFTER FOUR WEEK

ORDER

WRIT PETITION Nos. 11294, 13918, 21756 of 2022

INTERIM DIRECTION

