



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

[3459]

MONDAY, THE TWENTIETH DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SMT JUSTICE SUMATHI JAGADAM

WRIT PETITION NO: 9182/2019

Between:

1.P RAMULAMMA, W/O. LATE SRI RAMUNAIDU, AGED ABOUT 64 YEARS, OCC HOUSE WIFE, JAMMU VILLAGE AND POST, VIZIANAGARAM.

...PETITIONER

AND

1.THE GOVERNMENT OF ANDHRA PRADESH, REPRESENTED BY ITS PRINCIPAL SECRETARY, REVENUE DEPARTMENT, SECRETARIAT, VELAGAPUDI, AMRAVATI, GUNTUR.

2.THE DISTRICT COLLECTOR, VIZIANAGARAM.

3.THE REVENUE DIVISIONAL OFFICER, VIZIANAGARAM.

4.THE TAHSILDHAR (MRO), VIZIANAGARAM.

5.KIMIDI SRINIVAS KUMAR, S/O. K. RAMA NAIDU, AGED ABOUT 49 YEARS, OCC BUSINESS, R/O. FLAT NO.S-3, P.M.R. RESIDENCY, BALAJI NAGAR, VIZIANAGARAM TOWN, VIZIANAGARAM SABURI ELAKA, VIZIANAGARAM DISTRICT.

6.JIDDU VISHNUMURTHY, S/ O. J. KRISHNAMA NAIDU, AGED ABOUT 51 YEARS, OCC BUSINESS, POGIRI VILLAGE, RAJAM MANDAL, SRIKAKULAM DISTRICT.

7.KOTLA SRINUVASA RAO, S/O. LATE K.RAMU, AGED ABOUT 51 YEARS, OCC BUSINESS, ANANDA COLONY, JAMMU VILLAGE, VIZIANAGARAM MANDAL, VIZIANAGARAM SABURI ELAKA,

VIZIANAGARAM 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, Order or Direction, more particularly one in the Nature of Writ of Mandamus declaring the action of the respondents in not considering the petitioner's representation, dated 29-04-2019 not to mutate the names of the decree holders or third parties in O.S.No. 238/1991 in revenue records pertains to (old Sy.No.11 2/1), the New Sy.No. 142/21 an extent of Ac.37 cents, Sy.No. 142/22 an extent of 0.40 cents, Sy.Nos. 142/17, 142/18, 142/19, 142/20 an extent of Ac.0.40 cents situated at Jammu Narayanapuram Village, Vizianagaram Mandal, Vizayanagaram Saburi Elaka, Vizayanagaram District under a registered sale deed No. 2673, dated 06-09-1990 till the disposal of S.A.Sr.No.47913/2013 before the Hon'ble Court is being illegal, unjust and violation of Articles 14 and 300-A constitution of India and consequently direct the 4th respondent to consider the petitioner's representation, dated 29-04-2019 seeking not to mutate the names of the decree holders or third parties in O.S.No. 238/1991 in revenue records pertaining to the scheduled properties under a registered Sale Deed No.2673, dated 06-09-1990 till the disposal of S.A.Sr.No.47193/2013 before the Hon'ble Court

IA NO: 1 OF 2019

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 respondents No.3 and 4 to consider the petitioner's representation, dated: 29-04-2019 seeking not to mutate the names of the decree holders or third parties in O.S.No. 238/1991 in revenue records pertaining to the schedule properties under a registered Sale Deed No.2673, dated 06-09-1990 till the disposal of S.A.Sr.No.47193/2013 before the Hon'ble Court

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 file the counter affidavit in WP No. 9182 of 2019

Counsel for the Petitioner:

1.PENJURI VENUGOPAL

Counsel for the Respondent(S):

1.GP FOR REVENUE (AP)

2.Dr MAJJI SURI BABU

The Court made the following

ORDER:

The petitioner herein states that she acquired the schedule lands from one Podilapu Appalaswamy vide a Registered Sale Deed bearing No. 2673, dated 6th September, 1990, and has paid the requisite land revenue. It is submitted that the petitioner herein filed Original Suit No. 238 of 1991 on the file of the Court of Principal Junior Civil Judge, Vijayanagaram (for short, 'the trial Court') seeking declaration of her rightful title, when the defendants therein trespassed onto the petitioner's property. The said Suit was decreed against the petitioner on 30th October, 1999. Aggrieved by this judgment, the petitioner preferred Appeal Suit No. 14 of 2000 on the file of the Court of District Judge, Vijayanagaram (for short, 'the appellate Court') which was dismissed, upholding the original decree. The petitioner further filed S.A. (SR) No. 47193 of 2013, which is pending adjudication. In light of the foregoing, the petitioner respectfully prays that during the pendency of the Second Appeal, the names of the decree holders or third parties be not mutated in the revenue records pertaining to suit schedule property in O.S. No. 238 of 1991.

2. Dr. Majji Suri Babu, learned counsel, appearing for the unofficial respondents Nos. 5 to 7, contending that after dismissal of A.S. No. 14 of 2000, on 20.12.2005, the unofficial respondent Nos.5 to 7 along with one Nadipena Venkateswara Rao, purchased the property through a registered sale deed on 05.05.2007 vide sale deed No. 5220 of 2000, situated at Jammunarayanapuram Village Panchayat, Jammuranayanapuram Village, Vizianagaram District. The revenue authorities, after recognizing the title and possession of the said respondents, issued title deeds and patadar passbooks in the year 2008. Furthermore, 1B Adangal was also issued to the said respondents. Learned counsel further submitted that the Hon'ble Supreme Court in ***Government of India v. P. Venkatesh*** (Civil Appeal No.2425 of 2019) reported in 2019 Supreme (SC) 646, held as under:

“This 'dispose of the representation' mantra is increasingly permeating the judicial process in the High Courts and the Tribunals. Such orders may make for a quick or easy disposal of cases in overburdened adjudicatory institutions. But, they do no service to the cause of justice. The litigant is back again before the Court, as this case shows, having incurred attendant costs and suffered delays of the legal process. This would have been obviated by calling for a counter in the first instance, thereby resulting in finality to the dispute...”

3. The learned counsel for the unofficial respondents further submits that the petitioner, having failed to challenge the mutation effected in the revenue records in the year 2008, cannot approach this Court after an inordinate delay of 11 years, seeking a direction to dispose of her representation. Furthermore, it is submitted that the Second Appeal is still at the SR stage, and the delay has not been condoned; consequently, the Writ Petition is liable to be dismissed.

4. In reply, learned counsel for the petitioner submits that the Second Appeal is currently pending before this Court, the respondents ought to have waited for the final outcome of the said Appeal before mutating the names of the private respondents in the revenue records. The petitioner insists that the orders be passed for disposal of her representation dated 29.04.2019.

5. Heard the learned counsel for the petitioner, the learned counsel for the unofficial respondents, and the learned Assistant Government Pleader.

6. This Court observes that the petitioner filed a Suit for declaration of title in O.S. No. 238 of 1991 before the trial Court which was dismissed on 30th October, 1999. Aggrieved by the dismissal, the petitioner preferred Appeal Suit No. 14 of 2000 before the appellate Court. The appellate Court dismissed the Appeal on 20th December 2005, affirming the judgment and decree passed in O.S. No. 238 of 1991. Subsequently, the petitioner filed Second

Appeal in the year 2013 with a delay of 13 years. During this, the revenue officials mutated the names of the unofficial respondent Nos.5 to 7 in the revenue records and pattadar pass books were issued to them. The petitioner, without obtaining any final adjudication on the matter, cannot prevent the revenue authorities from mutating the names, pending the finalisation of the Second Appeal, which is still at the stage of condonation of delay. As per the Limitation Act, 1963 the limitation period for preferring a Second Appeal is 90 days from the date of passing of decree or judgment.

7. The un-official respondents accepted the decree and judgement passed in O.S. No. 238 of 1991, which was upheld in Appeal, and mutated their names. Accordingly, the Second Appeal filed with a delay of 13 years is pending before this Court at the stage of condonation of delay.

8. The petitioner, being aware of these facts, submitted a representation on 29th April, 2019 requesting the Court to pass orders since the names of unofficial respondents have already been mutated in the revenue records and pattadar passbooks have been issued, the Court finds it inappropriate to direct the respondents to pass orders on the aforesaid representation after more than ten (10) years from the date of entry of the names in the revenue records.

9. Therefore, in view of the above, the Writ Petition is dismissed. However, the petitioner is permitted to adjudicate her rights following the disposal of the Second Appeal (SR) No.47193 of 2013. No order as to costs.

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

JUSTICE SUMATHI JAGADAM

Date: 20.04.2026
RSD

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THE HONOURABLE SMT JUSTICE SUMATHI JAGADAM**WRIT PETITION NO: 9182/2019**

Date: 20.04.2026

RSD