

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



FRIDAY, THE TWENTY EIGHTH DAY OF APRIL
TWO THOUSAND AND TWENTY THREE

:PRESENT:

THE HONOURABLE SRI JUSTICE B KRISHNA MOHAN

WRIT PETITION NO: 11062 OF 2023

Between:

Singana Eswaramma, W/o. SinganaSubbarayudu, Aged about 44 years, Occ.
House Wife, R/o. Door No.5/598. Sudagunthula, Rajampeta Town and Post,
Rajamepta Mandal, Annamayya District.

...Petitioner

AND

1. The State of Andhra Pradesh, rep., by its Principal Secretary, Revenue Department, Secretariat Buildings, Velagapudi, Amaravati, Guntur District.
2. The District Collector, Annamayya District, Rayachoty
3. The District Registrar, Annamayya District, Rayachoty
4. The Municipal Commissioner, Rajamepta, Annamayya District.
5. The Tahsildar, Rajampeta, Annamayya District.
6. The Joint Sub-Registrar, Annamayya District, Rajampeta.

...Respondents

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 Orders in D.Dis.E3/626/2023, dated 01.04.2023 issued by the respondent No.2 ordering the respondent No.6 for cancellation of the Sale Deeds, dated 24.05.2022 and 05.12.2022 registered as document Nos.1738/2022 and 4621 of 2022 registered in my favour for the land in an extent of 136.11 square yards in Sy.No.934 of Rajampeta Town and Mandal, Annamayya District and unilateral cancellation of the same, through the Cancellation Deed, dated 10.04.2023 registered as document No.1356 of 2023 executed by the respondent No.4, that too without putting the petitioner on notice as arbitrary, illegal and one without power or authority, contrary to the provisions of the Registration, Act, 1908 and the well established legal principles apart from being violative of the fundamental and Constitutional rights guaranteed to me under Articles 14, 19, 21 and 300-A of the Constitution of India and consequently set aside the same.

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 respondents not to dispossess the petitioner from the land in an extent of 136.11 square yards in Sy.No.934 of Rajampeta Village fields, Rajampeta, Annamayya District, pending disposal of WP 11062 of 2023, on the file of the High Court.

IA NO: 2 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 suspend the cancellation deed, dated 10.04.2023 registered as Document No.1356 of 2023 executed by the respondent No.4, pending disposal of WP 11062 of 2023, 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 upon hearing the arguments of Sri V R Reddy Kovvuri, Advocate for the Petitioner and of GP for Revenue for Respondent Nos.1, 2 & 5, GP for Stamps & Registration for Respondent Nos.3 & 6, Sri N. Rangareddy, Standing Counsel for Respondent No.4, the Court made the following
ORDER:

“Heard the learned counsel for the petitioner and the learned Assistant Government Pleader for Revenue seeks time to file counter.

The proceedings of the 2nd respondent dated 01.04.2023 is assailed in this Writ Petition with respect to the land in Sy.No. 934 of Rajampet Village covered under the document Nos. 1738 of 2022 dated 24.05.2022 and 4621 of 2022 dated 05.12.2022.

The learned counsel for the petitioner submits that the petitioner purchased the land in an extent of 136.11 Sq. yards in Sy.No. 934 of Rajampet Municipality Area, 5th ward nearby Door No. 5/657 described as punja from her vendor one Ms. Chavalamadugu Narayanamma vide Registered Sale Deed dated 24.05.2022. Now that the Municipality i.e., the 4th respondent claims the subject land it as belongs to it basing upon the proceedings read in the impugned order of the 2nd respondent dated 01.04.2023. The 2nd respondent directed the 3rd respondent to issue suitable instructions to the concerned Registration Authority for cancellation of the registrations registered vide document Nos. 1738 of 2022 dated 24.05.2022 and 4621 of 2022 dated 05.12.2022 as per Rules in force. He has further directed to take necessary action against the concerned officials who are involved in the above said registrations since the subject land belongs to the government and sought for compliance of the report. The 4th respondent is directed to take necessary action for cancellation of the above said registrations by lodging a complaint against the individuals who executed the registrations in the Government land to safeguard the public property.

The learned counsel for the petitioner submits that the subject land covered under the document No. 1738 of 2022 is a private land and the petitioner with a valid sale consideration purchased the subject property in an extent of 136.11 Sq. yards as detailed in the schedule of the said sale deed dated 10.04.2023. Ever since, she has been in possession and enjoyment of the same. While so, the respondent-authorities found unilaterally that it is a government land and the 2nd respondent passed the impugned order dated 01.04.2023 to take necessary steps directing the other authorities as described above to take necessary steps for the purpose of cancellation of the above said document which stands in the name of the petitioner.

The learned Assistant Government Pleader for Revenue seeks time to file counter.

In view of the above said facts and circumstances, it has to be examined by this Court whether the grounds raised by the petitioner are available when the respondents claim that the subject land is a government land and the impugned action is either sustainable or not?

The above said issue can be gone into after filing counter by the respondents.

In the meanwhile, there shall be an order of *status quo* as on today to be maintained with respect to the possession of the subject land covered under the document no. 1738 of 2022 dated 10.04.2023 pending further orders. However, it does not preclude for the respondent-authorities to proceed with the matter as per law pursuant to the impugned proceedings of the 2nd respondent dated 01.04.2023 by giving due opportunity to all the concerned including the petitioner.

List after Summer Vacation, 2023.

In the meanwhile, counters shall be filed by the respondents.

The office is directed to print the name of the learned Standing Counsel for the 4th respondent.

SD/- T MADHAVI
ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To,

1. The Principal Secretary, Revenue Department, State of Andhra Pradesh, Secretariat Buildings, Velagapudi, Amaravati, Guntur District.
2. The District Collector, Annamayya District, Rayachoty
3. The District Registrar, Annamayya District, Rayachoty
4. The Municipal Commissioner, Rajampeta, Annamayya District.
5. The Tahsildar, Rajampeta, Annamayya District.
6. The Joint Sub-Registrar, Annamayya District, Rajampeta. (1 to 6 by RPAD)
7. One CC to Sri. V R Reddy Kovvuri, Advocate [OPUC]
8. One CC to Sri N. Rangareddy, Standing Counsel [OPUC]
9. Two CCs to GP for Revenue, High Court of Andhra Pradesh. [OUT]
10. Two CCs to GP for Stamps & Registration, High Court of Andhra Pradesh. [OUT]
11. One spare copy.

MSB

HIGH COURT

BKM,J

DATED:28/04/2023

ORDER

LIST AFTER SUMMER VACATION, 2023

WP.No.11062 of 2023

INTERIM DIRECTION

