



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

**[3458]**

FRIDAY, THE TWENTIETH DAY OF FEBRUARY  
TWO THOUSAND AND TWENTY SIX

**PRESENT**

**THE HONOURABLE SMT JUSTICE KIRANMAYEE MANDAVA**

**WRIT PETITION NO: 13499 OF 2021**

**Between:**

1.BENDI MADHUSUDHAN RAO, S/O LATE KRISHANA MURTHY,  
AGED ABOUT 78 YEARS, R/O D.NO. 5-3-82/6, KRISHANPURAM  
VILLAGE, AMADALAVALASA MANDAL, SRIKAKULAM DISTRICT,  
ANDHRA PRADESH

**...PETITIONER**

**AND**

- 1.THE STATE OF AP, , REP. BY ITS PRINCIPAL SECRETARY,  
REVENUE DEPARTMENT, 4TH BLOCK, GROUND FLOOR, ROOM  
NO. 135, A. P, SECRETARIAT, VELAGAPUDI, AMARAVATHI.  
GUNTUR.
- 2.THE DISTRICT COLLECTOR, THE DISTRICT MAGISTRATE,  
SRIKAKULAM DISTRICT, SRIKAKULAM, ANDHRA PRADESH.
- 3.THE DISTRICT JOINT COLLECTOR, SRIKAKULAM DISTRICT,  
SRIKAKULAM, ANDHRA PRADESH.
- 4.THE REVENUE DIVISIONAL OFFICER, SRIKAKULAM, SRIKAKULAM  
DISTRICT, ANDHRA PRADESH.
- 5.THE TAHSILDAR, AMADALAVALASA MANDAL, SRIKAKULAM  
DISTRICT, ANDHRA PRADESH.
- 6.THE SUB REGISTRAR, AMADALAVALASA MANDAL, SRIKAKULAM  
DISTRICT, ANDHRA PRADESH.
- 7.THE GRAMA PANCHAYATH, KRISHNAPURAM VILLAGE,

AMADALAVALASA MANDAL, SRIKAKULAM DISTRICT, ANDHRA PRADESH.

**...RESPONDENT(S):**

**Counsel for the Petitioner:**

1.Y KOTESWARA RAO

**Counsel for the Respondent(S):**

1.GP FOR REVENUE

2.Yarraguntla.Koteswara Rao,Standing Counsel For Zilla Praja Parishads,Mandal Praja Parishads and Gra

**The Court made the following order:**

Heard Sri Nuthalapati Krishna Murthy, learned counsel representing Sri Y.Koteswara Rao, learned counsel for the petitioner and learned Assistant Government Pleader for Revenue appearing for the respondents.

2. It is contended that the petitioner was assigned D-Patta in an extent of Ac.0.40 cents in Sy.No.31/4 and Ac.0.44 cents in Sy.No.31/3 of Krishnapuram Village, Amudalavalasa Mandal, Srikakulam District, vide Patta No.278 under the Policy for Rehabilitation of Surrendered Naxalites.

3. Learned counsel for the petitioner contends that since the date of issuance of the patta, the petitioner has been in possession and enjoyment of the said land. In recognition of his possession, occupation, and enjoyment, the revenue records were mutated in his favour and Pattadar Passbooks were also issued to the petitioner. The petitioner had valid title and lawful possession over the subject land by virtue of the assignment made by the competent authority.

4. However, the subject property was enlisted in the list of prohibited properties under Section 22A(1)(a) of the Registration Act, 1908, thus the petitioner approached the 1<sup>st</sup> respondent as well as the 2<sup>nd</sup> respondent seeking deletion of the property from the prohibited list.

5. The 1<sup>st</sup> respondent, vide proceedings dated 04.06.2021, passed orders stating that, as the land is assigned land, the petitioner cannot transfer or alienate the same during his lifetime. It was further observed that though the property may devolve upon his legal heirs by inheritance, it cannot be sold. Challenging the same, the petitioner filed the instant writ petition. Simultaneously, the petitioner also approached the District Collector seeking deletion of the subject property from the prohibited list.

6. On 11.04.2022, the petitioner has made a representation under the "Spandana Programme". Upon the said representation, the District Collector, Srikakulam, passed orders dated 28.06.2022, rejected the petitioner's request by referring to the earlier proceedings of the 1<sup>st</sup> respondent dated 04.06.2021. Thus, the instant writ petition.

7. Learned counsel for the petitioner contends that after the passing of the impugned proceedings in the writ petition, there has been an amendment to the provisions of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977, which came into force on 31.07.2023. By virtue of the amendment to Section 2 of the Act, assigned lands shall no longer be treated as assigned lands after completion of 20 years from the date of assignment.

Therefore, as per the amended provision that came into force with effect from 31.07.2023, the subject land can no longer be treated as assigned land after expiry of 20 years from the date of assignment.

8. The definition of the term 'assigned land' under as defined under Section 2(1) of the Amendment Act, which came into effect from 31.07.2023, is as follows:

*“(1) “assigned land” means [lands or house sites assigned] by the Government to the [landless or homeless poor persons] under the rules for the time being in force, subject to the condition of non-alienation [within a period of twenty (20) years from the date of assignment in the case of lands assigned for agricultural purpose, and within a period of ten (10) years from the date of assignment in case of house sites]”*

9. In the light of the said amendment, learned counsel for the petitioner contends that the subject land is not an assigned land. Therefore, the respondents are bound to delete the petitioner's property from the list of prohibited properties under Section 22A(1)(a) of the Registration Act, 1908.

10. Having regard to the contentions advanced, this Court is of the view that the impugned order in the present writ petition was passed before the amendment that came into effect.

11. In view of the above, the petitioner is granted liberty to approach the District Collector by way of a representation seeking deletion of his property from the list of prohibited properties under Section 22A(1)(a) of the

Registration Act, 1908. Upon such representation being made, the 2<sup>nd</sup> respondent shall consider the same and pass appropriate orders, in accordance with law, after giving due opportunity of hearing to the petitioner, within a period of three (3) months from the date of receipt of a copy of this order.

12. With the above observation, the Writ Petition is disposed of. There shall be no order as to costs.

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

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**JUSTICE KIRANMAYEE MANDAVA**

Date: 20.02.2026  
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THE HONOURABLE SMT JUSTICE KIRANMAYEE MANDAVA

**WRIT PETITION NO: 13499 OF 2021**

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