



**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: 14088 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 -532185.

...PETITIONER

AND

1.THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL
SECRETARY, REVENUE DEPARTMENT, 4TH BLOCK, GROUND
FLOOR, ROOM NO. 135, A. P. SECRETARIAT OFFICE,
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. The grievance of the petitioner in the instant writ petition is that initially an assignment was granted in favour of the petitioner in the year 1973 over an extent of Ac.2.50 cents, the same was subsequently cancelled and the fresh assignment was granted for an extent Ac.0.84 cents in Sy.No.31/4 & 30/3 of Krishnapuram Village, Amadalavalasa Mandal, Srikakulam District Leaving the balance extent of Ac.1.66 cents. Thus, the petitioner seeks assignment of the balance extent of Ac.1.66 cents in his favour.

3. Learned counsel for the petitioner contends that earlier, the petitioner filed a writ petition in W.P.No.19207 of 2020 seeking implementation of the proceedings in Rc.No.9870/73-N2 dated 05.09.1973 under Naxalite Rehabilitation policy, prays for grant of an assignment of the balance extent of

Ac.1.66 cents and further sought a direction to the respondents, the District Collector, to issue a no objection certificate (NOC) for the registration of the land in an extent of Ac.0.84 cents in Sy.No.31/4 and 30/3 of Krishnapuram Village, Amadalavalasa Village, Srikakulam District and directing the 6th respondent to register Settlement Deed of Transfer in favour of her three sons in respect of the land of an extent of Ac.0.84 cents and declaring the proceedings of the 2nd respondent dated 28.11.2018, of the Collector, Srikakulam District rejecting the petitioner request.

4. On 11.12.2020, this Court disposed of the W.P.No.19207 of 2020 giving liberty to the petitioner to make a comprehensive representation to the 1st respondent seeking deletion of the subject land from the list of prohibited properties and for issuance of No Objection Certificate for registration of Settlement Deed in favour of his three sons, within a period of four weeks from the date of receipt of the copy of the order. On such representation being made, the 1st respondent was directed to consider the same and pass appropriate orders in accordance with law of deletion of the subject land from the list of prohibited properties and communicate the same to the petitioner.

5. Learned counsel for the petitioner further submits that in the said writ petition the prayer sought was only for issuance of NOC and no relief was sought requesting allotment of the balance land an extent of Ac.1.66 cents. Therefore, the instant writ petition is filed and the same is maintainable.

6. The 5th respondent filed counter affidavit stating that the request of the petitioner for removal of the properties from the list of prohibited properties from registration and for issuance of No Objection Certificate was refused vide the proceedings of the 1st respondent dated 04.06.2021 informing the petitioner that the rights of the petitioner in respect of the subject lands are not alienable but heritable. Thus, the petitioner cannot transfer the lands. It is further stated that the assignee is at liberty to execute will document in favour of any of his legal heirs. It is further stated that the petitioner had admitted his representation dated 27.01.2019 that he had been granted lands in an extent of Ac.0.84 cents in Krishnapuram Village, Amadavalasa Municipality in *lieu* of Ac.1.70 cents. Thus, it is the contention of the respondents that the petitioner was provided with an alternative land in lieu of Ac.1.70 cents taken from the petitioner.

7. Having regard to the contentions advanced, this Court deems it appropriate to grant liberty to make a fresh representation before the 4th respondent-Revenue Divisional Officer seeking grant of the balance extent of Ac.1.66 cents. Upon such representation being made, the 4th 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.

8. 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.

JUSTICE KIRANMAYEE MANDAVA

Date: 20.02.2026
BSK

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THE HONOURABLE SMT JUSTICE KIRANMAYEE MANDAVA

WRIT PETITION NO: 14088 OF 2021

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BSK