

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

THURSDAY, THE ELEVENTH DAY OF JULY
TWO THOUSAND AND TWENTY FOUR

:PRESENT:

THE HONOURABLE SRI JUSTICE GANNAMANENI RAMAKRISHNA PRASAD
WRIT PETITION Nos: 12682 & 12729 of 2024



WRIT PETITION No: 12682 of 2024

Between:

N Jayakumar, S/o. Nemichand Jain Aged about 60 years R/o. Trunk Road,
Poonamallee, Thiruvallur District, Chennai 600 056.

Petitioner

AND

1. The State of Andhra Pradesh, Rep. by its Principle Secretary, Revenue Department, Secretariat Buildings, Velagapudi, Amaravati, Guntur District.
2. The District Collector, Chittoor District, Chittoor-517 002
3. The Revenue Divisional Officer, Nagari, Chittoor District-517 590
4. The Tahsildar, Vijayapuram, Chittoor District-517 586
5. The DBS Bank India Limited, Regional Office @ No. 460/2, 8th B Main, PTK Complex, Jayanagar 4th Block, Bengaluru 560 011.
6. Mr. Suresh Kumar Bafna, S/o. Mr. Askaran Bafna, Aged about 49 years, R/at. A104, Mantri Greens, No.1, Sampige Road, Next to Mantri Mall, Malleshwaram, Bangalore North, Bengaluru 560 003.

...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 CERTIORARIFIED MANDAMUS setting aside the impugned order passed by the 3rd Respondent in Roc. G439/2020 dt. 12-02-2020 Converting agriculture lands in survey no. 165/2B1 measuring 0.04 acres. survey no. 165/2B2 measuring 3.01 acres AND survey, no. 165/2B4 measuring 3.05 acres situated in No. 47, Maharajapuram Village, Vijayapuram Mandal, Chittoor District to non-agricultural lands and consequently directing the 2nd and 3rd Respondents to re-classify the aforementioned lands as agricultural lands.

IA NO: 2 OF 2024

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 grant an interim stay on the operation of the impugned order passed by the 3rd Respondent in Roc. G439/2020 dt. 12-02-2020 along with all further proceedings arising there from and consequently restrain the 5th Respondent from subjecting the lands in survey no. 165/2B1 measuring 0.04 acres, survey no. 165/2B2 measuring 3.01 acres & survey, no. 165/2B4 measuring 3.50 acres situated in No. 47, Maharajapuram Village, Vijayapuram Mandal, Chittoor District to sale by public auction on 09-07-2024 in pursuance of the impugned order of reclassification and notice dt. 31-05-2024 issued under Rules 8(5) and 9(1) of the Security Interest (Enforcement) Rules, 2002, pending disposal of WP 12682 of 2024, on the file of the High Court.

WRIT PETITION NO: 12729 OF 2024

Between:

Mr. N. Jayakumar, S/o. Nemichand Jain, Aged about 60 years R/o. Trunk Road, Poonamallee, Thiruvallur District, Chennai 600 056.

Petitioner

AND

1. The State of Andhra Pradesh, Rep. by its Principle Secretary, Revenue Department, Secretariat Buildings, Velagapudi, Amaravati, Guntur District.
2. The District Collector, Chittoor District, Chittoor-517 002
3. The Revenue Divisional Officer, Nagari, Chittoor District-517 590
4. The Tahsildar, Vijayapuram, Chittoor District-517 586
5. The DBS Bank India Limited, Regional Office @ No. 460/2, 8th B Main, PTK Complex, Jayanagar 4th Block, Bengaluru 560 011.
6. Mr. Suresh Kumar Bafna, S/o. Mr. Askaran Bafna, Aged about 49 years, R/at. A104, Mantri Greens, No.1, Sampige Road, Next to Mantri Mall, Malleshwaram, Bangalore North, Bengaluru 560 003

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 CERTIORARIFIED MANDAMUS setting aside the impugned order passed by the 3rd Respondent in Roc.G440/2020 dt. 12-02-2020 Converting agriculture lands in survey no. 114/1B measuring 1.98 acres situated in Maharajapuram Village, Vijayapuram Mandal, Chittoor District to non- agricultural lands and consequently directing the 3rd and 4th Respondents to re classify the aforementioned land as agricultural land.

IA NO: 2 OF 2024

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 an interim stay of the impugned order passed

by the 3rd Respondent in Roc.G440/2020 dt. 12-02-2020 along with all further proceedings arising therefrom and consequently restrain the 5th Respondent from subjecting the land in survey no. 114/1B measuring 1.98 acres situated in Maharajapuram Village, Vijayapuram Mandal, Chittoor District to sale by public auction on 09-07-2024 in pursuance of the impugned order of reclassification and notice dt. 31-05-2024 issued under Rules 8(5) and 9(1) of the Security Interest (Enforcement) Rules, 2002, pending disposal of W.P.No.12729 of 2024, on the file of the High Court.

These Petitions coming on for hearing, upon perusing the Petitions and the affidavits filed in support thereof and the Order of the High Court, dated 08.07.2024 made herein and upon hearing the arguments of Sri N. Srinivas Jayaprakash, learned Counsel (appearing through online) representing Sri.Dasari S.V.V.S.V. Prasad, learned Counsel for the Writ Petitioner (in both the petitions) and Sri.Arjun Chowdary, learned Asst. Government Pleader for Revenue, for Respondent Nos.1 to 4 (in both the petitions), the Court made the following:

ORDER

Heard Sri N. Srinivas Jayaprakash, learned Counsel (appearing through online) representing Sri Dasari S.V.V.S.V. Prasad, learned Counsel for the Writ Petitioner and Sri Arjun Chowdary, learned Asst. Government Pleader for Revenue.

2. Despite the fact that the name of the Counsel, who entered appearance on behalf of the DBS Bank India Limited, Bengaluru (Respondent No.5) has been printed in the Cause List, today there is no appearance. The previous order dated 08.07.2024, would also indicate that there is no representation on behalf of the DBS Bank India Limited, Bengaluru (Respondent No.5).

3. List this matter on 02.08.2024 finally, to enable the Respondent No.5 to be represented. It is indicated that if there is no representation on the next date, Respondent No.5 shall be set ex parte.

4 Learned Counsel for the Writ Petitioner seeks one week time to take steps for service of the Unofficial Respondent No.6.

5. The original record shall continue to remain in the custody of the Registrar (Judicial) till the next listing.

Sd/- SK. MD. RAFI
ASSISTANT REGISTRAR

//TRUE COPY//

For

SECTION OFFICER

To,

1. The Registrar (Judicial), High Court of Andhra Pradesh, at Amaravati.(by Special Messenger)
2. The Principal Secretary, Revenue Department, State of Andhra Pradesh, Secretariat Buildings, Velagapudi, Amaravati, Guntur District. (by Special Messenger)
3. The District Collector, Chittoor District, Chittoor-517 002
4. The Revenue Divisional Officer, Nagari, Chittoor District-517 590
5. The Tahsildar, Vijayapuram, Chittoor District-517 586
6. The DBS Bank India Limited, Regional Office @ No. 460/2, 8th B Main, PTK Complex, Jayanagar 4th Block, Bengaluru 560 011.
7. Mr. Suresh Kumar Bafna, S/o. Mr. Askaran Bafna, R/at. A104, Mantri Greens, No.1, Sampige Road, Next to Mantri Mall, Malleshwaram, Bangalore North, Bengaluru 560 003. (Addressees 3 to 7 by RPAD)
8. One CC to SRI. DASARI S V V S V PRASAD Advocate [OPUC]
9. Two CCs to GP FOR REVENUE, High Court of Andhra Pradesh. [OUT]
10. One spare copy

HIGH COURT

GRKP,J

DATED: 11/07/2024

NOTE: LIST THIS MATTER ON 02.08.2024 FINALLY

ORDER

WRIT PETITION Nos: 12682 & 12729 of 2024

DIRECTION

