

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



WEDNESDAY, THE NINETEENTH DAY OF JULY
TWO THOUSAND AND TWENTY THREE

:PRESENT:

THE HONOURABLE SRI JUSTICE NINALA JAYASURYA

WRIT PETITION NO: 17733 OF 2023

Between:

1. K Balasubramanya Sastry, S/o Rama Sastry, Aged about 79 years, Residing at. Hno 87, 5th cross, near Ravi Teja Enclave, 1st Main road, Patel Muniyappa Layout, RT Nagar post-Bangalore 560032
2. K.Padma Sundari, W/o Sundares H S, Aged about 52 years, Residing at. H.no.4 4th cross, Gangamma Layout, V Nagenahalli road, RT Nagar Post, Bangalore - 560 032.
3. K.Kamala Sarvani, D/o. K. Balasubramanya Sastry, Aged about 49 Years, Residing at. Flat no 201, Sai Mahi Residency, Near Venkateswara Swamy temple, Madinaguda, Mythri nagar, Miyapur, Hyderabad-560 049.
4. K. Ashok Chakravarthy, S/o. K Balasubramanya Sastry, Aged about 44 Years, Residing at. Hno 87/5th cross, near Ravi Teja Enclave, 1st Main road, Patel Muniyappa Layout, RT Nagar post, Bangalore - 560 032.
5. K. Veena Nagasree, W/o V Diwakar Rao, Aged about.42 years, Residing at. H.no. 79, 12th cross, Penn Field Gardens, Telecom Layout, Bangalore - 560 064.

...Petitioners

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary, Revenue Department, Secretariat, Velagapudi, Amaravathi, Guntur District.
2. The Estate Abolition Tribunal, Anantapur.
3. The Joint Collector cum Settlement Officer, Sri Sathya Sai District, Erstwhile Anantapur District.
4. The Revenue Divisional Officer, Penukonda Mandal, Sri Sathya Sai District, Erstwhile Anantapur District.
5. The Tahsildar, Penukonda Mandal, Sri Sathya Sai District, Erstwhile Ananthapuram District.

...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 any order, direction, or Writ, particularly one in the nature of Mandamus :

(a) To set aside the order and Decree dated 4-2-2023, passed by the Hon'ble Estate Abolition Tribunal Cum Principle District Judge, Ananthapuramu and declare the petitioners as the title owners of the Schedule B and C lands and direct the respondents to issue Ryotwari pattas in favour of the petitioners herein, in Obulapuram village, Penukonda Mandal, Sri Sathyasai District, Erstwhile Ananthapur District, Andhra Pradesh.

(b) To issue an order for the restoration of the Ryotwari patta approved lands of Note orders with survey numbers 5,14,27,28-4,36-4 with extents of

6.76,5.04,8.11,1.19,2.14 acres respectively and the canceled D-Patta lands with survey numbers 30-1,30-2,30-3,30-4,30-5, 30-7, 30-8, 30-9, 30-10, 30-11, 31-1, 31-2, 31-5, 31-6 with extents of 1.0, 2.18, 0.43, 1.10, 0.70, 2.18, 1.94, 0.47, 0.90, 13.78, 0.78, 1.82, 1.27, 1.29 acres respectively which were deliberately gone missing in the Schedule A of the final order of the Joint Collector cum Settlement Officer, Ananthapuramu, in SR No.69/15(1)/2018, dated 9-3-2019 and direct the Joint Collector cum Settlement Officer to implement the same.

(c)To cancel the illegal purchases shown in the third-party names with the survey numbers 4, 11-1, and 19 with extents of 9.09, 4.67, and 2.49 acres respectively, and the survey numbers 3, 9-1, and 29 with extents of 6.33, 5.73 and 3.91 acres respectively which are unsold but quoted against the fake SR Numbers and declare the same as illegal and arbitrary and direct the Joint Collector cum Settlement Officer, Ananthapuramu to issue the ryotwari pattas to the petitioners for the said lands, in Obulapuram village, Penukonda Mandal, Sri Sathyasai 7, District, Erstwhile Ananthapur District, Andhra Pradesh.

(d)To direct the Joint Collector cum Settlement Officer to issue the ryotwari patta for the Schedule B lands with survey numbers 2, 7, 8, 12, 13, 16, 17, 18, 28-1,33, 34, 35-1,37, 38, 40-2 with extents of 2.64, 1.88, 4.94, 1.33, 3.29,2,17, 2.89, 2.72, 0.35, 3.04, 2.42, 1.64, 1.28, 2.10, 0.85 acres respectively excluding the vanka extent (natural stream) in each of the above survey numbers to the petitioners in Obulapuram village, Penukonda Mandal, Sri Sathyasai District, Erstwhile Ananthapur District, Andhra Pradesh.

(e)To declare the SR.no.11 to 123/15(1)/69 dt 18.02.83, SR. no.117,118 and 134/15(1)/ 69 dt 18.08.82 and SR.No.46 /15(1) / 14.04.78, SR.No.46 /15(1) /14.04.89 quoted against the unrelated survey numbers passed by the of the Joint Collector cum Settlement Officer, Ananthapuramu as illegal and fictitious, created fraudulent documents and cancel the same as null and void.

(f)Any other relief/reliefs as this Hon'ble court deems fit and proper in the circumstances of the case

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 herein to not to issue any Ryotwari pattas in schedule B and C lands, in Obulapuram village, Penukonda Mandal, Sri Sathyasai District, Erstwhile Ananthapur District, Andhra Pradesh in favour of the any persons and not to proceed further, pending disposal of WP 17733 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 M/s. Sridevi Jampani, Advocate for the Petitioner and of GP for Revenue for Respondents, the Court made the following

ORDER:

"Heard learned counsel for the petitioners.

Learned Assistant Government Pleader for Revenue seeks time to secure written instructions in the matter.

List the matter after three (3) weeks in Motion List.

In the meanwhile, status quo with regard to the Schedule B and C lands of the subject matter property in Obulapuram Village, existing as on today shall be maintained in all respects."

//TRUE COPY//

For A

Sd/- S. SRINIVASA PRASAD
ASSISTANT REGISTRAR
PBhaw
24/7
SECTION OFFICER

To,

1. The Principal Secretary, Revenue Department, State of Andhra Pradesh, Secretariat , Velagapudi, Amaravathi, Guntur District.
2. The Estate Abolition Tribunal, Anantapur.
3. The Joint Collector cum Settlement Officer, Sri Sathya Sai District, Erstwhile Anantapur District.
4. The Revenue Divisional Officer, Penukonda Mandal, Sri Sathya Sai District, Erstwhile Anantapur District.
5. The Tahsildar, Penukonda Mandal, Sri Sathya Sai District, Erstwhile Ananthapuram District. (1 to 5 by RPAD)
6. One CC to M/s. Sridevi Jampani, Advocate [OPUC]
7. Two CCs to GP for Revenue, High Court of Andhra Pradesh. [OUT]
8. One spare copy.

MSB

HIGH COURT

NJS,J

DATED:19/07/2023

ORDER

LIST THE MATTER AFTER THREE (3) WEEKS IN MOTION LIST

WP.No.17733 of 2023

STATUS QUO

