

(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)

TUESDAY, THE TWENTY EIGHTH DAY OF JUNE
TWO THOUSAND AND TWENTY TWO

:PRESENT:

THE HONOURABLE SRI JUSTICE D RAMESH



WRIT PETITION NO: 17785 OF 2022

Between:

Prajna Educational Trust, Rep. by its Chairman Tangudu Vaikunta Rao, Aged about 66 years, S/o. Late Kameswara Rao, R/o. Palasa, Srikakulam District
...Petitioner

AND

1. The Principal Secretary, Revenue, Secretariat, Velagapudi-522503, Guntur District.
2. The District Collector, Srikakulam.
3. The Joint Collector (RB & R), Srikakulam.
4. The Sub-Collector, Tekkali, Srikakulam District.
5. The Revenue Divisional Officer, Palasa, Srikakulam District.
6. The Tahsildar, Palasa, Srikakulam District.
7. The Tahsildar, Mandasa, Srikakulam District.
8. The Assistant Director, Survey and Land Records, Srikakulam District.
9. Duvvada Sridhar @ Baba, S/o. Krishna Murthi, R/o. Sivaji Nagar, Palasa, Srikakulam District.

...Respondents

WHEREAS the Petitioner above named through its Advocate Sri Devi Prasad Mangalapuri presented this 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 a Writ of Mandamus

- i) Declaring the proceedings in Rc.No-712/2020/F3, dated 30.11.2020, issued by the respondent no.3 as illegal, arbitrary and in contravention of the Board Standing Orders, and also in contravention of the A.P. Survey and Boundaries Act and Rights in Land and Pattadar Passbooks Act,
- ii) To declare the survey said to have been conducted by the Office of the Assistant Director of Survey and Land Records, and effecting changes in revenue records is beyond its competence,
- iii) To declare the action of the respondents in rejecting the F line application on 07.06.2022, submitted by the petitioner-trust on 29.04.2022, without assigning any reason as illegal and arbitrary, and
- iv) To declare that the respondents are disentitled to conduct the survey contrary to the procedure contemplated under Section 9(2) of the A.P. Survey and Boundaries Act and consequently set-aside the proceedings of the respondent no.3 and its consequential proceedings as illegal by directing the respondents to re-examine the issue of transferring the lands from Kondalogam village in Survey nos.140 to 148 to Ramakrishnapuram Village of Palasa Mandal of Srikakulam District.

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of Sri Devi Prasad Mangalapuri, Advocate for the Petitioner and of GP for Revenue for Respondent Nos.1 to 8, directed issue of notice to the Respondents herein to show cause as to why this WRIT PETITION should not be admitted.

You viz:

1. The Principal Secretary, Revenue, Secretariat, Velagapudi-522503, Guntur District.
2. The District Collector, Srikakulam.

3. The Joint Collector (RB & R), Srikakulam.
4. The Sub-Collector, Tekkali, Srikakulam District.
5. The Revenue Divisional Officer, Palasa, Srikakulam District.
6. The Tahsildar, Palasa, Srikakulam District.
7. The Tahsildar, Mandasa, Srikakulam District.
8. The Assistant Director, Survey and Land Records, Srikakulam District.
9. Duvvada Sridhar @ Baba, S/o. Krishna Murthi, R/o. Sivaji Nagar, Palasa, Srikakulam District.

are be and hereby directed to show cause either appearing in person or through an Advocate, as to why in the circumstances set out in the petition and the affidavit filed therewith (copy enclosed) this WRIT PETITION should not be admitted, within four (4) weeks.

IA NO: 1 OF 2022

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to suspend the proceedings in Rc.No:712/2020/F3, dated 30.11.2020, issued by the respondent no.3, pending disposal of WP No.17785 of 2022, on the file of the High Court.

The Court made the following;

ORDER:

"Notice to the respondents.

Learned counsel for the petitioner(s) is permitted to take out personal notice to the unofficial respondent(s) by Registered post with acknowledgment due and file proof of service into the Registry.

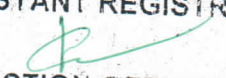
It is contended by the learned counsel for the petitioner that based on the representation made by the petitioner herein, the respondents authorities have conducted survey in respect of Survey Nos.140 to 148 situated in Ramakrishnapuram Village of Palasa Mandal of Srikakulam District, which is not in accordance with the procedure contemplated under Order No. 34(b)(7)(8) of the Board Standing Orders and in fact, earlier 1B Namuna dated 16.12.2015 clearly discloses that the land in Sy.No. 143/3 situated in Ramakrishnapuram Village of Palasa Mandal of Srikakulam District, to an extent of 32.16 cents is in favour of the petitioner's Trust. However, as per the Survey Records dated 16.6.2022 the petitioner's Trust is in possession of only 27.03 cents. By virtue of the present Revenue Records, the respondents are now interfering with the peaceful possession of the petitioner's Trust.

Considering the submissions and on perusal of the Revenue Records, there shall be a direction to the respondents to maintain status-quo in respect of Revenue Records pertaining to Ramakrishnapuram Village of Palasa Mandal of Srikakulam District, as obtaining today.

Post this case after four weeks."

//TRUE COPY//

For

SD/- CHITTI JOSEPH
ASSISTANT REGISTRAR.

SECTION OFFICER

To,

1. The Principal Secretary, Revenue, Secretariat, Velagapudi-522503, Guntur District.
2. The District Collector, Srikakulam.
3. The Joint Collector (RB & R), Srikakulam.
4. The Sub-Collector, Tekkali, Srikakulam District.

5. The Revenue Divisional Officer, Palasa, Srikakulam District.
6. The Tahsildar, Palasa, Srikakulam District.
7. The Tahsildar, Mandasa, Srikakulam District.
8. The Assistant Director, Survey and Land Records, Srikakulam District.
9. Duvvada Sridhar @ Baba, S/o. Krishna Murthi, R/o. Sivaji Nagar, Palasa, Srikakulam District(1 to 9 by RPAD- along with a copy of petition and Affidavit)
10. One CC to Sri. Devi Prasad Mangalapuri Advocate [OPUC]
11. Two CCs to GP for Revenue, High Court of Andhra Pradesh. [OUT]
12. One spare copy.

MSB

HIGH COURT

DR,J

DATED:28/06/2022

ORDER

POST THIS CASE AFTER FOUR WEEKS

NOTICE BEFORE ADMISSION

WP.No.17785 of 2022

STATUS QUO

