



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

[3558]

THURSDAY, THE NINETEENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY

THE HONOURABLE SRI JUSTICE TUHIN KUMAR GEDELA

WRIT APPEAL NO: 322/2010

Writ Appeal under clause 15 of the Letters Patent against the Order dt. 16-4-2010 in WP No. 6350 of 2010

Between:

1.V. PRASANTH, TIRUPATI, S/O. V., CHANDRA SEKHAR REDDY
DIRECTOR OF ACCORD BUSINESS SCHOOL CHIGURUVADA, R/O
8/71/2, ROYAL NAGAR , RC ROAD TIRUPATI

...APPELLANT

AND

1.THE JT COLLECTOR CHITTOOR ANOTHER, CHITTOOR
2.THE TAHSILDAR TIRUPATI RURAL TIRUPATI, CHITTOOR
DISTRICT.

...RESPONDENT(S):

IA NO: 1 OF 2010(WAMP 733 OF 2010)

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 stay the order of the 1st respondent passed in S.R.No. 20/11(a)/87 dt. 1-9-2009 in so far canceling the sub divisions in Sy.No., 285 of Chiguruvada North Kandriga Village, Tirupati Rural Mandal, Chittoor District pending disposal of the writ Appeal and pass

IA NO: 1 OF 2026

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 receive the copy of (i) G.O.Ms.No.341 Dt;22.05.2009, (ii) the Proceedings of the Executive Engineer, Irrigation Department, Tirupati vide Letter No./DB/JTO.3/T.10 File/ 345 Dt:5/5/08 as additional material paper and pass

Counsel for the Appellant:

1.O M R LAW FIRM

Counsel for the Respondent(S):

1.GP FOR REVENUE

THE HONOURABLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY
AND

THE HONOURABLE SRI JUSTICE TUHIN KUMAR GEDELA

WRIT APPEAL NO: 322/2010

JUDGMENT: *(Per Sri Justice Cheekati Manavendranath Roy)*

Aggrieved by the order, dated 16.04.2010 of the learned Single Judge passed in W.P.No.6350 of 2010 whereby he has dismissed the writ petition confirming the order of the Joint Collector-cum-Settlement Officer, Chittoor ordering for cancellation of sub-divisions in the land covered by Sy.No.285, the present writ appeal has been preferred by the writ petitioner, who was unsuccessful in the writ petition.

2. Heard Sri O.Manohar Reddy, the learned Senior counsel appearing for the appellant and the learned Government Pleader for Revenue appearing for the official respondents.

3. Brief over view of the facts leading to the lis in this writ appeal may be stated as follows:

(a) A person by name Archakam Srinivasa Narasimha Dikshitulu (hereinafter referred to as "Dikshitulu") claiming to be the owner of the land covered by Sy.No.285/2B, in an extent of Ac.0-68 cents and the land covered by Sy.No.285/5, in an extent of Ac.1-32 cents, totaling Ac.2-00 cents has applied for grant of a ryotwari patta under Section 15 of Andhra Pradesh

(Andhra Area) Estates (Abolition and Conversion into Ryotwari) Act, 1948 (for short, 'the Act') before the then Settlement Officer.

(b) According to the said person, Dikshitulu, the said land is a private land and he is entitled for grant of a ryotwari patta. The said claim was opposed by the State before the Settlement Officer on the ground that the land claimed by Dikshitulu is not private land and it forms part of the Swarnamukhi River Poramboke in Chiguruvada Village of Tirupati Rural Mandal. The learned Settlement Officer has conducted an inquiry as per the procedure prescribed under law and he has also recorded the evidence of the witnesses and he has also physically inspected the land in question. After considering the evidence that was recorded by him and after making physical inspection of the land, he found that the land covered by Sy.No.285/2B, in an extent of Ac.0-68 cents and the land covered by Sy.No.285/5 in an extent of Ac.1-32 cents, is not part of the Swarnamukhi River poramboke and it is situate at a distance place from the said Swarnamukhi River poramboke and it is a cultivable land and crops are being raised on the said land and that it is a private land. After recording a finding to that effect, he has granted a ryotwari patta under Section 15 of the Act in favour of Dikshitulu in the year 1982, as per the order, dated 02.01.1982 passed by him to that effect. Accordingly, a ryotwari patta was granted in favour of Dikshitulu for the aforesaid land. His name was incorporated in the revenue records as owner of the said land and his name was also reflected as owner of the said land in the fair adangal and

other revenue records. Thereafter, Dikshitulu sold away the said land to the writ petitioner by name V.Vasanth, under a registered Sale Deed dated 03.08.1995. After the purchase, mutation was effected in the revenue records and name of the writ petitioner is shown as owner of the land in the concerned revenue records. He has been enjoying the said land by way of doing cultivation.

(c) While so, a third party by name G.Suseela, has applied for grant of a ryotwari patta under Section 11 of the Act before the Settlement Officer – cum-Joint Collector, who is the 1st respondent herein, in respect of the land covered by Sy.No.285/2 in an extent of Ac.1-04 cents and Sy.No.285/4 in an extent of Ac.0-20 cents, totaling in an extent of Ac.1-24 cents. The learned Settlement Officer-cum-Joint Collector found that the land claimed by her is not a private land and that it forms part of the Swarnamukhi River poramboke and it is vested with the Government in terms of Section 3(b) of the Act. Therefore, ryotwari patta was not granted in favour of G.Suseela in respect of the said land. However, surprisingly, he has ordered for cancellation of other subdivisions of the land covered by Sy.No.285 by an order dated 01.09.2009. According to him, the entire Swarnamukhi River poramboke is covered by Sy.No.285 and as it is a river poramboke, there cannot be any subdivisions of the said land and thereby ordered for cancellation of other subdivisions. There is absolutely no material or evidence on record before the learned Settlement Officer to hold or arrive at any conclusion that the land covered by the

subdivisions of Sy.No.285 is not a private land or cultivable land and that it is still in existence as a riverbed of Swarnamukhi Poramboke. He did not record any evidence relating to the said aspect and he also did not conduct any personal inspection of the subject property to come to any conclusion that the land covered by the subdivisions of Sy.No.285 is not a cultivable land or a private land and that it forms part of the riverbed. So, absolutely there is no basis for him on record to arrive at any such conclusion. He has come to the said conclusion hastily in a random manner. He has completely ignored the finding of the facts recorded by the earlier Settlement Officer which is based on evidence on record and his personal inspection of the land. Therefore, the said order of the 1st respondent – Settlement Officer in cancelling the subdivisions of Sy.No.285 haphazardly suffers from patent illegality.

(d) As a ryotwari patta was already granted to the vendor of the petitioner in respect of the other subdivisions covered by Sy.No.285/2 and 285/5 and as the petitioner has purchased the said land and has been in possession and enjoyment of the same, he was directly affected by the order passed by the learned Settlement Officer-cum-Joint Collector. Therefore, being aggrieved by the order passed by the learned Settlement Officer in cancelling the other subdivisions of the land covered by Sy.No.285, the petitioner challenged the legal validity of the said order before the learned Single Judge in W.P.No.6350 of 2010. His main challenge to the order of the learned Settlement Officer is that no notice was given to him by the learned

Settlement Officer and he was not heard and the subdivisions of the land were cancelled behind his back without affording him an opportunity of hearing, which is violative of the principles of natural justice. He has also challenged the said order on the ground that once a ryotwari patta was granted by the Settlement Officer in favour of his vendor and it became final, the same cannot be cancelled and no order affecting the right of the said pattadar in the said land can be passed.

4. However, his contention did not find favour with the learned Single Judge. The learned Single Judge has dismissed the writ petition by the impugned order. The learned Single Judge held that Section 3(16) of the Act defines "Ryoti land" and Section 3(b) of the Act determines and vests the entire estate, non-ryoti lands, waste lands, quarries, rivers, streams etc., in the State and as such, a ryotwari patta cannot be granted in respect of the land which is a riverbed. Therefore, agreeing with the order of the learned Settlement Officer in cancelling all the subdivisions of the land covered by Sy.No.285, he has dismissed the writ petition. The learned Single Judge has also taken a view that even if the Settlement Officer has cancelled all the subdivisions while dealing with another claim, and as a consequence thereof the rights of other persons acquired in the said land under registered documents are affected, the same does not in any manner vitiate the order of the learned Joint Collector.

5. We are unable to persuade ourselves to agree with the said view taken by the learned Single Judge as well as the learned Settlement Officer, as the same is opposed to all canons of law and basic tenets of law. It is well settled that when once a valid ryotwari patta has been granted by the Settlement Officer under Section 15 of the Act in favour of the vendor of the petitioner and when it became final, as the validity of the said ryotwari patta was not questioned further before any appropriate forum, the same cannot be cancelled or the rights acquired by the pattadar in respect of the land covered by the said ryotwari patta cannot be affected subsequently in any manner.

6. The learned Settlement Officer, who ordered for cancellation of subdivisions, committed a grave error apparent on the face of the record in ordering such cancellation of subdivisions. Even without affording an opportunity of hearing to the petitioner herein, who purchased the land under registered Sale Deed from the person in whose favour a ryotwari patta was granted, he has ordered for cancellation of subdivisions. No notice was given to him before ordering for cancellation of the subdivisions and no opportunity of hearing was given to him. The said fact is also clearly admitted by the Tahsildar in the counter filed by him in the appeal. In fact, it is evident from the order of the learned Settlement Officer itself that no notice was issued to the petitioner or to any affected persons and no opportunity of hearing was provided to them before ordering for cancellation of the subdivisions. Therefore, the order is basically bad for non-compliance with the principles of

natural justice. The learned Settlement Officer has completely ignored the settled legal position that once a valid ryotwari patta was granted in favour of the vendor of the petitioner, who has been in possession and enjoyment of the said land for a considerable period of time, the same cannot be interfered with and his rights in respect of the said land cannot be affected, in a claim made by some third party relating to some other land. Even the learned Judge also completely ignored the fact that the learned Settlement Officer has cancelled subdivisions in a claim made by a third party relating to some other part of the land.

7. Both the learned Settlement Officer and also the learned Single Judge completely ignored the factual findings made by the earlier Settlement officer who granted ryotwari patta in favour of the vendor of the petitioner in their orders. A perusal of the order of the earlier Settlement Officer shows that he conducted a detailed inquiry regarding the nature, classification and user of the land and he recorded the evidence of witnesses who were holding the lands in the vicinity and also made a physical inspection of the said land and found that the land claimed by the vendor of the petitioner is a private land, that it was cultivable in nature, and that he has been in fact doing cultivation in the said land and more particularly and importantly, he has recorded a clear finding that the said land is situated at a distance place from the riverbed.

8. These factual findings, recorded by the Settlement officer based on the evidence on record and his physical inspection, were completely ignored both

by the learned 1st respondent-Joint Collector-cum-Settlement officer and the learned Single Judge, which ultimately led them arrive at an erroneous conclusion. Therefore, the impugned order of the learned Single Judge affirming the order of the Settlement Officer in cancelling the subdivisions of the land without issuing notice to the petitioner is clearly unsustainable under law.

9. The findings of the learned Single Judge that, while dealing with a claim made by a third party, if the Joint Collector cancelled all the subdivisions and as a consequence, the rights of persons who acquired title under registered documents are affected, the same does not in any manner vitiate the order of the Joint Collector, is absolutely erroneous and it cannot be sustained. Even the finding of the learned Single Judge that even if no notice was issued to the affected parties, the same does not matter, is also erroneous. The learned Single Judge did not assign any reason as to how the land of the petitioner forms part of the riverbed, especially when the Settlement Officer, while granting the ryotwari patta, had clearly recorded, after considering the oral evidence on record and upon physical inspection of the land that it does not form part of the riverbed. Therefore, the impugned order of the learned Single Judge warrants interference in this appeal and the same is liable to be set aside.

10. Resultantly, the Writ Appeal is allowed. The impugned order of the learned Single Judge is hereby set aside. Consequently, the writ petition filed

by the petitioner stands allowed and the impugned order of the Settlement Officer-cum-Joint Collector cancelling the subdivisions of the land relating to the petitioner covered Sy.Nos.285/2 and 285/5 in an extent of Ac.0-68 cents and Ac.1-32 cents respectively, is hereby set aside.

It is made clear that the cancellation of subdivisions in respect of Sy.No.285/2 and 285/5 of the land relating to the petitioner alone is set aside and this Court has not dealt with the validity of the cancellation of other subdivisions as the same are not challenged before this Court. There shall be no order as to costs.

As a sequel, Interlocutory Applications pending, if any, shall stand closed.

JUSTICE CHEEKATI MANAVENDRANATH ROY

JUSTICE TUHIN KUMAR GEDELA

Date: 19.02.2026

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THE HONOURABLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY

THE HONOURABLE SRI JUSTICE TUHIN KUMAR GEDELA

WRIT APPEAL NO: 322/2010

Date: 19.02.2026

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W.A.No.322 of 2010:

There is absolutely no material or evidence on record before the learned Settlement Officer to hold or arrive at any conclusion that the land covered by the subdivisions of Sy.No.285 is not a private land or cultivable land and that it is still in existence as a riverbed of Swarnamukhi Poramboke. He did not record any evidence relating to the said aspect and he also did not conduct any personal inspection of the subject property to come to any conclusion that the land covered by the subdivisions of Sy.No.285 is not a cultivable land or a private land and that it forms part of the riverbed. So, absolutely there is no basis for him on record to arrive at any such conclusion. He has come to the said conclusion hastily in a random manner. He has completely ignored the finding of the facts recorded by the earlier Settlement Officer which is based on evidence on record and his personal inspection of the land. Therefore, the said order of the 1st respondent – Settlement Officer in cancelling the subdivisions of Sy.No.285 haphazardly suffers from patent illegality.

W.A.No.