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APHC010319042022



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

[3233]

MONDAY, THE 10th DAY OF AUGUST 2026

PRESENT

THE HONOURABLE SRI JUSTICE B KRISHNA MOHAN

WRIT PETITION NO: 19093/2022

Between:

1. T. V. SAI KUMAR, S/O LATE T.V.V. SATYANARAYANA, HINDU,
AGED 49 YEARS, R/O FLAT NO. 302-B, DURGA RESIDENCY,
SARADA STREET, DABA GARDENS, VISAKHAPATNAM

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL
SECRETARY(REVENUE DEPARTMENT), SECRETARIAT,
AMARAVATI, ANDHRA PRADESH.
2. THE DISTRICT JOINT COLLECTOR, COLLECTRATE
COMPLEX, MAHARANIPETA, VISAKHAPATNAM
3. REVENUE DIVISIONAL OFFICER, COLLECTRATE COMPLEX,
MAHARANIPETA, VISAKHAPATNAM
4. REVENUE DIVISIONAL OFFICER, BHEEMUNIPATNAM,
5. THE TAHASILDAR, VISAKHAPATNAM RURAL MANDAL,
CHINNAGADILI, VISAKHAPATNAM DISTRICT
6. THE SPI DEPUTY TAHASILDAR, COLLECTRATE COMPLEX,
INAMS, VISAKHAPATNAM
7. INDUKURI SATYANARAYANA RAJU, S/O. LATE

- SATYANARAYANA RAJU, R/O.D.NO.10-28-4/ 14, KAILASH METTA, WALT AIR UPLANDS, BESIDE LOTUS HOSPITAL, VISAKHAPATNAM-530003.
8. ALLURI VENKATA SATYANARAYANA RAJU, S/O. LATE A.V.S. APPALARAJU, R/O. APEXRAR,3RD FLOOR, Y.L.P. LAYOUT, YENDADA, VISAKHAPATNAM.
 9. ALLURI BANGARAMMA, W/O. A.V.S. RAJU, R/O.APEXRAR,3RDFLOOR, Y.L.P. LAYOUT, YENDADA, VISAKHAPATNAM.
 - 10.ALLURI DEEPTHI, W/O. ANISH, R/O. APEXRAR, R/O. 3RDFLOOR,Y.L.P. LAYOUT, YENDADA, VISAKHAPATNAM
 - 11.DANGETI RAMA TULASAMMA, W/O. LATE SATYANARAYANA , R/O. D.NO.50-112-43, FLAT NO.407, CRESENT TOWERS, OPP.EENADU, SEETHAMMADHARA,VISAKHAPATNAM-530013.
 - 12.JAMPANA RAMAKRISHNA RAJU, S/O. LATE. RAMA CHANDRA RAJU, R/O.D.NO.39-9-103/5,MURALINAGAR, VISAKHAPATNAM-530007.
 - 13.PERAKAPADMAJA, W/O. MORRIANAND, R/O. D.NO.32-10-38, SHEELANAGAR, VISAKHAPATNAM
 - 14.PINJALASHAILAJA, W/O. BALLA RAVI KUMAR, R/O. D.NO.44-34-11/C, NANDAGIRI NAGAR, AKKAYYAPALEM, VISAKHAPATNAM-530016.
 - 15.VETUKURI SURYA KUMARI, S/O. W/O. V. RAMAKRISHNA RAJU, R/O. D.NO.1-65-43/1, SECTOR-2, LIG-51, MVP COLONY, VISAKHAPATNAM-530017.
 - 16.VETUKURIPRABHAKARRAJU, S/O. LATE. V.V. SATYANARAYANARAJU, R/O. D.NO.1-65-43/1, SECTOR-2, LIG-51, MVP COLONY,VISAKHAPATNAM-530017.
 - 17.VETUKURI VIJAY KUMAR RAJU, S/O. LATE V.V.S.RAJU, R/O.FLAT NO.1614, LANSUM OXYGENTOWERS, BEHIND RYTHU BAZAR, SEETHAMMADHARA, VISAKHAPATNAM-530017.

18.VETUKURI PADMAVATHI, W/O. LATE V.V.S. RAJU, SECTOR-2RLIG-51, MVP COLONY, VISAKHAPATNAM-530017.

...RESPONDENT(S):

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 be pleased to direct all respondents not to create encumbrance or make any alienations and effect transactions in respect of the schedule lands in E- office No. 135098/2018/ SDT(I) dated 08.01.2021 pertaining to Rushikonda Agraharam Village of Visakhapatnam Rural Mandal, Visakhapatnam District. and to pass

IA NO: 1 OF 2022

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 all respondents not to create encumbrance or make any alienations and effect transactions in respect of the schedule lands in E- office No. 135098/ 2018/SDT(I) dated 08.01.2021 pertaining to Rushikonda Agraharam Village of Visakhapatnam Rural Mandal, Visakhapatnam District. and to pass

IA NO: 2 OF 2022

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 suspend the order of the 3rd Respondent in D.Dis.No. 240/2021, dt: 26-3-2022 and signed on 30-3-2022 pending disposal of the Writ Petition and to pass

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 vacate the Interim order dated 06.07.2022 passed in W.P.No.19093 of 2022 and dismiss the Writ Petition and to pass

IA NO: 2 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 Pleased to vacate the interim order dated 06-07-2022 in WP No. 19093/2022 and pass

IA NO: 1 OF 2025

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 Pleased to grant leave to the petitioner herein to file the counter affidavit in the W.P No. 19093 of 2022 in the interest of Justice or otherwise the petitioner will be put irreparable loss and pass

IA NO: 2 OF 2025

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 may be pleased i) to vacate the interim order in I. A No. 2/2022 in W.P. No. 19093 of 2022 dated 06.07.2022 ii) to dismiss the writ petition as there is no merits in the Writ Petition and nothing but frivolous one and dismiss the same with exemplary costs and pass.

Counsel for the Petitioner:

1.P SRI RAM

Counsel for the Respondent(S):

1.K SATYANARAYANA MURTHY

2.GP FOR REVENUE

3.V V RAVI PRASAD

The Court made the following Order:

Heard the learned Senior Counsel for the petitioner, the learned Government Pleader for the official respondents and the learned Senior Counsel for the unofficial respondents.

2. This writ petition was filed questioning the orders passed by the 3rd respondent in D.Dis.No.240/2021 dated 26.03.2022 signed on 30.03.2022 to set aside the same and to confirm the orders of the 6th respondent dated 08.01.2021 passed u/s.3 of the Inam Abolition Act, 1956 and to pass appropriate orders by declaring that the proceedings under the Estate Abolition Act, 1948 relating to Rushikonda Agraharam Village of Visakhapatnam Rural Mandal of Visakhapatnam District are null and void as the said village is to be treated as enfranchised Inam and not an Estate.

3. The learned Senior Counsel for the petitioner submitted that "Rushikonda Agraharam" is a "pre-settlement Inam Village" in the present Visakhapatnam Rural Mandal of Visakhapatnam District and the then Inam Commissioner enfranchised an extent of Ac.258.96 cents in Rushikonda Agraharam Village in the year 1865 on a nominal quit rent of Rs.71/- in favour of 23 persons and issued title deed No.1254 for a part of the village to an extent of Ac.258.96 cents covered by old Survey Nos.2, 3, 4, 7, 12, 14, 19, 21, 23 and 25. The petitioner submitted an application before the 6th respondent dated 16.08.2018 under section 3(1) of the A.P. (Andhra Area) Inam (Abolition and

Conversion into Ryotwari) Act, 1956 to determine the nature of the Inam lands u/s.3(1) of the I.A. Act, 1956 pertaining to T.D.No.1254 in an extent of Ac.258.96 cents of Rushikonda Agraharam Village. The 6th respondent did not take up enquiry on the said application of the petitioner dated 16.08.2018, hence he was constrained to file W.P.No.39588 of 2018 before the erstwhile High Court of A.P. at Hyderabad and by order dated 13.11.2018, the 6th respondent was directed to dispose of the said application of the petitioner dated 16.08.2018 within two months from the date of receipt of the said order. Then the 6th respondent took up the enquiry on the application of the petitioner dated 16.08.2018 and issued Form-I notice dated 11.12.2018 to the petitioner and the 5th respondent. Then the petitioner filed statement of particulars and documents before the 6th respondent but the 5th respondent did not file any statement of particulars and documents before the 6th respondent and the 5th respondent addressed a letter dated 30.12.2020 to the 6th respondent stating that the pre-abolition records are not available in his office. The 6th respondent finally passed orders vide proceedings No.135098/2018 SDT Inams dated 08.01.2021 stating that the petition schedule lands for an extent of Ac.234.22 cents covered by T.D.No.1254 of Rushikonda Agraharam village are (1) Inam lands, (2) in an Inam village and (3) not held by an institution.

3. Against the orders of the 6th respondent, the 5th respondent preferred an appeal under section 3(4) of the I.A. Act, 1956 before the 3rd respondent claiming that an extent of Ac.26.69 cents out of Ac.234.22 cents are the Government lands. The 2nd respondent numbered the appeal as R.C.No.240/2021 and the 3rd respondent issued notices to the petitioner and the 5th & 6th respondents and detailed counters were filed by the petitioner and the 6th respondent and some third parties filed implead petitions pending appeal before the 3rd respondent and the implead petitions were numbered as Rc.96/2022, Rc.97/2022, Rc.98/2022, Rc.96/2022, Rc.99/2022, Rc.100/2022, Rc.101/2022 and Rc.102/2022 and the implead petitions were clubbed with R.C.No.240/2021 and the 3rd respondent without giving sufficient opportunity of hearing, erroneously passed orders under section 3(4) of the Inam Abolition Act, 1956 by allowing the appeal preferred by the 5th respondent, by setting aside the order of the 6th respondent. Section 3(4) of the I.A. Act, 1956 says "Any person or institution aggrieved by a decision of Tahsildar under sub-section (3) may appeal to the Revenue Court within 60 days from the date of communication of the decision, and the Revenue Court may after giving the parties to the appeal a reasonable opportunity of being heard, pass such orders on the appeal as it things fit". But the 3rd respondent without giving sufficient opportunity of hearing, passed the orders dated 26.03.2022 which is assailed in this writ petition.

4. As stated supra, the third parties filed implead petitions on 06.03.2021 and they were numbered on 12.01.2022 as Rc.96/2022, Rc.97/2022, Rc.98/2022, Rc.96/2022, Rc.99/2022, Rc.100/2022, Rc.101/2022 and Rc.102/2022 and notices were issued to the petitioner in the implead petitions mentioning that 29.01.2022 was the first hearing and on that day the petitioner's counsel filed Vakalat in all the implead petitions and counters were filed on 05.03.2022 and the 3rd respondent in his orders dated 26.03.2022 stated that the implead petitions were allowed on 06.05.2021 itself and the said order of the 3rd respondent is blatant error on the face of the record. The learned counsel for the petitioner further submitted that Rushikonda Agraharam Village was notified and taken over by the government under G.O.Ms.No.2148 Revenue dated 25.11.1958 as 1936 post Inam Estate under the Estates Abolition Act, 1948 on 07.01.1959 and the said notification was quashed by the erstwhile High Court of A.P. in W.P.No.442 of 1962 dated 16.07.1964. The 3rd respondent came to a conclusion that the said order became final. The 3rd respondent in his orders stated that the G.O.Ms.No.2148 dated 25.11.1958 was quashed with reference to the enquiry relating to Burravanipalem Village but not relating to the enquiry of the other villages in the notification and the 3rd respondent has no authority to interpret the judgment of the High Court.

5. The Rushikonda Agraharam is an Inam village as per the Fort St.George Gazette dated 23.05.1950 and as per the General Clauses

Act, 1897, sub-section 39 of Section 3 of the Act says “official gazette or gazette shall mean the gazette of India or the official gazette of a State” and Section 81 of the Indian Evidence Act speaks “presumption as to gazettes, newspapers, private acts of parliament and other documents and as per the gazette dated 23.05.1950, Rushikonda is a whole Inam village and this village attracts the provisions of I.A. Act, 1956 and Section 2(d) of the I.A. Act, 1956 says “Inam village means a village designated as such in the revenue accounts of the Government. The 5th respondent addressed a letter dated 21.01.2013 to the 6th respondent informing that Rushikonda is a Inam village and the tenure of the village was decided in the year 1950 even before the enactment of the I.A. Act, 1956 and all enfranchised Inam lands attracts the provisions of the I.A. Act, 1956. As per Section 2(j) of the I.A. Act, 1956, the 6th respondent alone is having jurisdiction to decide the nature of the Inam lands under Section 3(1) of the act with regard to Inam villages. As stated supra, when the entire G.O.Ms.No.2148 dated 25.11.1958 was set aside, the 3rd respondent erroneously passed orders stating that the 6th respondent has no jurisdiction to pass orders under the I.A. Act, 1956. The 3rd respondent acted in contravention of the judgment of the erstwhile High Court in W.P. No.442 of 1962 by allowing the appeal of the 5th respondent. When an appeal was filed under Section 3(4) of the I.A. Act, 1956 before the 3rd respondent by the 5th respondent, the 3rd respondent has to confine his jurisdiction

pertaining to I.A. Act, 1956 only but the 3rd respondent stepped out of his jurisdiction and gave a finding that SFA is already in force.

6. On the other hand, the respondent counsels relying upon the counter affidavits of the respondents submit that the village 'Rushikonda' was taken over by the Government under the provisions of Estate Abolition Act, 1948 on 07.01.1959. The survey and settlement operations were conducted and settlement rates were introduced in this village with effect from 07.01.1959 and since then the revenue administration of the village is being carried out as per the final settlement records prepared under the Act. While so, after lapse of more than 60 years, the petitioner filed a petition claiming himself as great-great grandson of Inamdar u/s.3(1) of the Andhra Pradesh (Andhra area) Inam (Abolition & Conversion into Ryotwari) Act, 1956 to determine the nature of Inam lands pertaining to T.D.No.1254 in an extent of Ac.258.96 cents of Rushikonda Agraharam Village of Visakhapatnam Rural Mandal of Visakhapatnam District on 22.09.2012 before the Primary Tribunal cum Special Deputy Tahsildar (Inams) at Visakhapatnam and the said authority has informed to the 2nd respondent vide letter dated 22.09.2012 and also to the 5th respondent for certain clarification and finally issued endorsement dated 29.01.2013 in L.Dis. No.7930/2012/JA (Inams) that Rushikonda Agraharam might have been clubbed during the survey and as such the provisions under Inam Abolition Act are not applicable as the

Rushikonda Village is already declared as settled village in all respects. Aggrieved by the said order of the Special Deputy Tahsildar (Inams), Visakhapatnam dated 29.01.2013, the petitioner filed W.P.No.15350 of 2013 dated 30.04.2013 before the erstwhile Hon'ble High Court and the same was allowed by setting aside the impugned endorsement issued by the said Tribunal dated 29.01.2013 directing further to issue notice to the petitioner indicating the grounds on which the said Tribunal proceeded to reject the petitioner's application and after giving an opportunity to the petitioner of being heard only, the said Tribunal shall pass fresh orders within two months from the date of receipt of the said order of the High Court.

7. In pursuance of the orders in W.P.No.15350 of 2013 dated 15.04.2014, a representation was given to the Special Deputy Tahsildar (Inams), Visakhapatnam on 16.06.2014 and the said authority issued a notice A.I.P. No.13/2014/SDT(I), dated 18.06.2014 to the petitioner with a direction to furnish the information as per the notice and accordingly a written explanation was furnished by the petitioner to the said authority on 19.07.2014 and the said authority vide A.I.P. No.13/2014 dated 20.09.2014 rejected the petitioner's application u/s.3(1) of the I.A. Act, 1956 *inter alia* holding that the village Rushikonda (Agraharam) was notified and taken over by the Government u/s.1(4) of the Estate Abolition Act, 1948 on 07.01.1959 and the Special Deputy Tahsildar (Inams), Visakhapatnam has no jurisdiction to enquire into the matter

under the I.A. Act, 1956 at this juncture pertaining to T.D.No.1254 Inam lands situated in Rushikonda Agraharam Village. Questioning the said order of the Special Deputy Tahsildar (Inams), Visakhapatnam dated 20.09.2014, the petitioner filed W.P.No.39798 of 2014 and after filing counter by the respondent therein, it was dismissed as withdrawn. Though the said order of the Special Deputy Tahsildar (Inams), Visakhapatnam dated 20.09.2014 became final, the petitioner filed another application on 16.08.2018 for initiation of an enquiry u/s.3(1) of I.A. Act, 1956 and by suppressing the material facts, he filed W.P.No.39588 of 2018 and sought for disposal of the said application. The erstwhile High Court by its order dated 13.11.2018 was pleased to dispose of the writ petition by observing that 'without expressing any opinion on merits, the writ petition is disposed of directing the 3rd respondent therein i.e., SDT (Inams) to dispose of the application of the petitioner dated 16.08.2018 in accordance with law, within a period of three months from the date of receipt of copy of the said order.

8. In pursuance of the same, the then SDT (Inams) has initiated enquiry by issuing Form-I notice dated 12.12.2018 u/s.3(1) of the I.A. Act, 1956 and finally passed orders u/s.3(3) of Inam Abolition Act dated 08.01.2021 holding that the lands covered by T.D.No.1254 of Rushikonda Agraharam Village are Inam lands situated in Inam Village and not held by any institution. Aggrieved by the said orders, the 5th respondent filed an appeal before the 3rd respondent u/s.3(4) of the

A.P. Inams (Abolition & Conversion into Ryotwari Patta) Act, 1956 on the ground that the lands in an extent of Ac.26.69 cents in Sy. Nos.4/7, 12/5B, 13/1B, 14/1B, 2/4, 2/15, 25/9B, 43/2, 35/2, 35/1 & 53/17A of Rushikonda Village, Visakhapatnam Rural Mandal, Visakhapatnam which are classified as poramboke lands vested to Government. The said Appellate Authority/3rd respondent allowed the appeal setting aside the orders of the SDT (Inams) dated 08.01.2021 passed u/s.3(3) of the A.P. Inams Abolition Act, 1956 vide proceedings D.Dis.No.240/2021 dated 26.03.2022 and signed on 30.03.2022. Aggrieved by the same, the petitioner filed this writ petition.

9. The respondent counsels further submit that the order of the Special Deputy Tahsildar (Inams), Visakhapatnam dated 08.01.2021 suffers from inherent lack of jurisdiction as he becomes *functus officio* to initiate enquiry again u/s.3(1) of the Act for the reason that his predecessor in his office already conducted an enquiry and passed orders u/s.3(3) of Inam Abolition Act, 1956 on 20.09.2014 by holding that the lands in question are not inam lands within the meaning of Inam Abolition Act and rejected the claim of the petitioner. The said orders attained finality as the Hon'ble Court dismissed the writ petition as withdrawn filed against the orders of the SDT (Inams) by its order dated 25.07.2018 passed in W.P.No.39798 of 2014. The order of the erstwhile High Court passed in W.P.No.442 of 1962 dated 16.07.1964 has no application to the case on hand. The purport of the judgment is clear

that the notification relating to the Burravanipalem Village alone was quashed. The facts of that case are that in 1950, settlement officer conducted an enquiry u/s.9 of the Estate Abolition Act and on 01.02.1956 he has given a finding that the grant in favour of the land holder was confined to malavaram only and no kudivaram rights were granted. Against the order of settlement officer, land holder filed an appeal in A.S.No.17 of 1956 before the Estate Tribunal u/s.9(4)(c) of the Estate Abolition Act. The Tribunal gave finding that both warams were granted to land holder, but Tribunal has not given any finding as to whether Burravanipalem Village is an Inam Estate within the meaning of Section 2(7) of the Estate Land Act so as to notify the Burravanipalem Village as an Inam Estate by the Government under Sub-section (4) of Section 1 of the Estate Abolition Act, 1948 vide G.O.Ms.No.2148 dated 25.11.1958.

10. One Neelapu Chinna Appanna Reddy, the land holder filed W.P.No.442 of 1962 assailing the validity of the notification on the ground that Burravanipalem was notified without determining the village as Inam Estate u/s.9 of the E.A. Act, 1948 and the Hon'ble Court while setting aside the notification, liberty was given to the parties to establish that the village is an Inam Estate under the Estate Abolition Act. Thus the decision of the Hon'ble Court in setting aside the notification therein is confined only to the Burravanipalem Village i.e., item No.34 in the schedule to the notification. By no stretch of imagination striking off

Burravanipalem Village from the notification could be extended to all the other 205 villages which were also notified along with Burravanipalem in G.O.Ms.No.2148 dated 25.11.1958. When the validity of inclusion of all other villages in the notification is not at all the subject matter of the writ petition and the notification was not impugned or questioned either by the Inamdars or by the tenants of other villages, much less when neither the land holder nor the tenants of Rushikonda Village have questioned the notification, it is baseless to contend that notification with regard to Rushikonda Village was also set aside by the Hon'ble High Court in W.P.No.442 of 1962.

11. As stated supra, in pursuance of the notification issued under Sub-section 4 of the Section 1 of the Estate Abolition Act, Inam Estate of Rushikonda whole village was taken over by the Government and in consequence thereof the Estate was abolished and Ryotwari settlement were introduced in 1959 by granting Ryotwari Pattas to the land holders and ryots as per their entitlements after payment of compensation to land holders. Those proceedings under the Estate Abolition Act attained finality as long back as in the year 1959. In view of the above, it is clear that Rushikonda village was an Inam Estate and not an Inam Village within the meaning of the Inam Abolition Act, 1956 and the question of invoking the provisions of Inam Abolition Act does not arise. The order of the Special Deputy Tahsildar (Inams), Visakhapatnam is *ex facie* without jurisdiction, void and *non est* in the eye of law. Once Inam

Estate was abolished and Ryotwari settlement operations were introduced in the year 1959, after making payment of compensation to Inamdars under Estate Abolition Act, now seeking an enquiry under I.A. Act, 1956, after lapse of 60 years by a person claiming to be great grandson of the Inamdar, is speculative in nature and no one should be allowed to take undue advantage of their own wrong as settled position cannot be unsettled after long lapse of time. Hence the writ petition is misconceived, frivolous and speculative in nature and as such liable to be dismissed at the threshold that too which was filed without availing the alternative remedy provided in the Inam Abolition Act, 1956.

12. In view of the above said facts and circumstances, upon consideration of the rival submissions made and on perusal of the material available on record, it is to be seen that the 5th respondent filed the above said appeal before the 3rd respondent u/s.3(4) of A.P. Inams (Abolition & Conversion into Ryotwari Patta) Act, 1956 questioning the order passed by the Primary Tribunal cum Special Deputy Tahsildar (Inam), Revenue Division, Visakhapatnam in Inam Case No.135098/2018/SDT (Inams) dated 08-01-2021 with respect to the land in an extent of Ac.26.69 cents in Sy.Nos.4/7, 12/5B, 13/1B, 14/1B, 2/4, 2/15, 25/9B, 43/2, 35/2, 35/1, 53/17A of Rushikonda Village, Visakhapatnam Rural Mandal, Visakhapatnam, in which the writ petitioner is the 2nd respondent therein. The unofficial respondents herein are also the impleaded respondents therein. The said appeal

was allowed by setting aside the order of the Special Deputy Tahsildar (Inams) vide order dated 26.03.2022 which is assailed in this writ petition as the petitioner is aggrieved of the same.

13. It is the case of the petitioner that the 5th respondent has no right or authority to file the above said appeal before the 3rd respondent and if at all the State is aggrieved of the orders passed by the Primary Tribunal cum Special Deputy Tahsildar (Inam), Revenue Division, Visakhapatnam, the State should have preferred such an appeal but not by the 5th respondent since he cannot represent the State. When the application of the petitioner dated 16.08.2018 was pending before the Primary Tribunal i.e., the 1st respondent in the above said appeal for determination of the nature of Inam lands covered by T.D.No.1254 for an extent of Ac.258.96 cents of Rushikonda Agraharam Village, the 5th respondent herein instead of filing the statement of particulars, addressed a letter in Rc.No.31/2013/A dated 30.12.2020 to the Primary Tribunal stating that the pre-abolition records are not available in their office pertaining to Rushikonda Agraharam Village. Whereas, the petitioner herein filed the statement of particulars before the above said Primary Tribunal stating that the petition schedule lands covered by T.D.No.1254 are Inam lands in an Inam Village and not held by the institution. The petitioner herein submits that the Primary Tribunal after verifying the statement of particulars, documents and scrutinizing the records of the Rushikonda Agraharam Village finally came to a

conclusion that the petition schedule lands covered under T.D.No.1254 of Rushikonda Agraharam Village are Inam Lands in an Inam Village and not held by any institution.

14. According to the petitioner, IFR and Inam-B Register disclose that an extent of Ac.258.96 cents of land in Rushikonda Agraharam Village was enfranchised by the Inam Commissioner on a quit rent of Rs.71/- in favour of his great-great grandfather Tadiparthi Janardhana Swamy and others by issuing Title Deed No.1254 in the year 1865. These undisputed documents, entries and proceedings prevail over any other documentary evidence. As per the case of the petitioner that the land covered in the above said appeal are all enfranchised Inam lands and all the enfranchised Inam lands are absolutely private property of the Inamdars as per Section 53 of the A.P. Board of Revenue standing orders. The status of the lands as on 14.12.1956 is the criteria to decide the nature of Inam lands as per the statute. According to the petitioner, Section 2A of the Inam Abolition Act, 1956 is not applicable to enfranchised Inam lands in view of the protection given to the enfranchised Inam lands u/s.53 of the A.P. Board of Revenue standing orders. The revenue records cited by the 5th respondent herein in the above said appeal viz., SFA, SLR and 1B registers are no longer in force in view of quashing of the notification issued by the Government u/s.1(4) of the Estate Abolition Act, 1948 by the erstwhile High Court of A.P. in W.P.No.442 of 1962 dated 16.07.1964. It is true that previously

Rushikonda Agraharam Village was notified and taken over by the Government vide G.O.Ms.No.2148 Revenue dated 25.11.1958 as 1936 post Inam Estate under the E.A.Act, 1948 on 07.01.1959 but the said notification was quashed by the erstwhile High Court of A.P. in W.P.No.442 of 1962 dated 16.07.1964. The Primary Tribunal as per the directions of the erstwhile High Court in W.P.No.39588 of 2018 dated 13.11.2018 took up enquiry on the petition dated 16.08.2018 filed by the petitioner herein and passed the above said final orders dated 08.01.2021 which was challenged in the above said appeal before the 3rd respondent by the 5th respondent herein.

15. It is the further case of the petitioner that the Rushikonda Agraharam is Inam Village as per the Fort St. George Gazette dated 23.05.1950 and the then Tahsildar, Visakhapatnam Rural (5th respondent) addressed a letter vide Rc.No.31/2013/A dated 21.01.2013 to the Primary Tribunal stating that Rushikonda Village is an Inam Village and the Primary Tribunal alone is having jurisdiction under the Inam Abolition Act, 1956 to decide the nature of Inam lands as per statute and the Primary Tribunal passed the order as per the procedure contemplated under the said Act and there are no grounds to interfere with the order passed by the Primary Tribunal in the above said appeal by the 3rd respondent by way of impugned order of this writ petition.

16. Per contra, it is the case of the 5th respondent herein/the appellant in the above said appeal that the Primary Tribunal cum Special Deputy Tahsildar (Inams) Revenue Division, Visakhapatnam failed to verify the records before passing the orders and did not examine the revenue records in possession of the government such as SFA, Gillman Record or 1B Register and passed order declaring the subject Government lands as against the rules determined for determination of Inam lands u/s.3(3) of the A.P. (Andhra Area) Inams (Abolition & Conversion into Ryotwari) Act, 1956. The Subject Government lands are all situated in the midst of the Visakhapatnam city and there is a very need and necessity of the Government to protect them as they are very valuable Government lands. The order issued by the Primary Tribunal cum Special Deputy Tahsildar (Inams) Revenue Division, Visakhapatnam including the subject lands and declaring them as Inam lands is null and void and the same is liable to be quashed. The 1st respondent in the above said appeal / SDT (Inams) also filed counter in the above said appeal stating that he took up enquiry on the petition dated 16.08.2018 of the petitioner herein/2nd respondent therein to determine the nature of the Inam lands covered by the T.D.No.1254 pertaining to Rushikonda Village as per the orders of the erstwhile High Court of A.P. in W.P.No.39588 of 2018 dated 13.11.2018. The petitioner herein / 2nd respondent therein alone filed statement of particulars and documents before the Primary Tribunal and the 5th respondent herein /

the appellant therein did not file any statement of particulars before the Primary Tribunal. Following the due procedure and upon consideration of the material available on record, then only the final orders were passed on 08.01.2021.

17. The petitioner herein / the 2nd respondent therein filed family tree Genealogy before the Primary Tribunal and the same was not contradicted by the 5th respondent herein/ appellant therein at any point of time before the Primary Tribunal. The petition schedule lands covered by T.D.No.1254 are all enfranchised lands and all the enfranchised lands have to be dealt with under the provisions of Inam Abolition Act, 1956 only. Thus along with the other reasons assigned, the 1st respondent in the above said appeal as Primary Tribunal cum Special Deputy Tahsildar (Inams) Revenue Division, Visakhapatnam accepted the case of the petitioner herein/2nd respondent in the above said appeal vide final orders dated 08.01.2021 which was questioned in the above said appeal before the 3rd respondent. Similarly, the unofficial respondents who filed implead petitions in the above said appeal before the 3rd respondent sailed with the appellant therein/5th respondent herein opposing the claim of the petitioner herein who is the 2nd respondent therein. In the said context and upon careful reading of the impugned order of the 3rd respondent dated 26.03.2022 it is clear that the said Appellate Authority seems to have recorded the contentions of the parties concerned and directly gave conclusions

setting aside the order of the Primary Tribunal cum Special Deputy Tahsildar (Inams) Revenue Division, Visakhapatnam dated 08.01.2021. There is no discussion, consideration of any of the documents sought to be relied upon by the parties concerned, perusal of the material available on the record and reasoning before giving such conclusions in the above said impugned order dated 26.03.2022.

18. Though some of the adjournments were shown in the above said appeal, it does not indicate hearing of the parties concerned and recording of their submissions. The Appellate Authority / 3rd respondent ought to have allowed the parties concerned to file their documents in support of their claims additionally if any for the purpose of consideration of the appeal. Due to want of discussion, consideration of the documents and perusal of the material available on record in support of the claim of the parties concerned and reasoning, the above said impugned order of the 3rd respondent dated 26.03.2022 cannot be termed as the order on merits of the case, hence liable to be interfered herewith. Accordingly, it is set aside remanding the matter to the 3rd respondent/4th respondent/ appellate authority concerned to consider afresh by giving due opportunity to all the parties concerned to file additional set of documents if any in support of their respective claims and upon consideration of the hearing of the parties concerned and the material available on record, fresh orders shall be passed by the said appellate authority ignoring the impugned order of the

3rd respondent dated 26.03.2022 in toto as expeditiously as possible, preferably within a period of four (4) months from the date of receipt of copy of this order. It is made clear that this Court has not expressed any opinion on the merits of the case. Interim order which was granted pending appeal before the 3rd respondent would continue till final disposal of the above said appeal by the competent appellate authority concerned as per the above said directions of this Court.

19. Accordingly, the writ petition is disposed of. Interim order, if any, deemed to have been vacated. There shall be no order as to costs.

As a sequel, Miscellaneous Petitions pending, if any, shall stand closed.

JUSTICE B KRISHNA MOHAN

10.08.2026
PND

Whether the order is :

Speaking	☒	Reasoned	
Reportable		Non-reportable	☒