

**IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI**

**(SPECIAL ORIGINAL JURISDICTION)**

WEDNESDAY, THE TWENTY SEVENTH DAY OF JULY, TWO THOUSAND AND TWENTY TWO

**:PRESENT:**

**THE HONOURABLE SRI JUSTICE D. RAMESH**  
**WRIT PETITION No. 22454 of 2022**



**Between:**

Mr. Pratap C. Joisher, aged about 82 years, R/o. 3<sup>rd</sup> Floor, Udaya Bhanu Apartments,  
Mahatma Gandhi Road. Ghatkopur, Mumbai - 400 073

....Petitioner

**AND**

1. The State of Andhra Pradesh, Represented by its Principal Secretary, Revenue Department, Secretariat Buildings, Velagapudi, Andhra Pradesh
2. The Collector and District Magistrate,, Sri Sathya Sai District, Collectorate Office, Satya Sai Mirpuri College of Music, Gokulam, Main Road, Puttaparthi- 515 134, Sri Sathya Sai District
3. The Sub-Collector/Revenue Divisional Officer, Office of RDO, Penukonda - 515 110, Sri Sathya Sai District.
4. The Tahsildar, Office of Tahsildar, Gundepalli Village, Somandepalli Mandal - 515 122 Sri Sathya Sai District.
5. Mr. Vikram Jethalal Joisher, S/o. late Jethalal Haridas Joisher, Residing at Nos.160 and 170, Sant Thukaram Road,Banushali Chambers, Masjid Bundar, Mumbai -400 009.
6. M/s. Shri Jyothiraadhitya Infra, A registered Partnership firm, Having its office at D.No 1-713-1 A, Rudrampeta, Opposite Reliance Info Comm, Anantapuramu, 515004.

....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 more particularly one in the nature of Writ of Mandamus declaring the actions of the Respondents No.1 to 4, more particularly Respondent No.4, in amending the record of rights / adangal to the extent of 202 acres in Sy.No.83-1 of subject property as arbitrary, il.egal, contrary to the procedure established under the Act and Rules, in violation of the Status quo Order passed by this Hon'ble Court in W.P. No.21407 of 2008 and in gross violation of principles of natural justice and consequently set aside the amendment made to the record of rights/adangal to the extent of 202 acres in Sy.No.83-1 of subject property and further direct the respondents not to carryout any amendment to the record of rights in respect of subject property.

**I.A.No. 1 of 2022 :-**

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of W.P., the High Court may be pleased to direct the Respondents No.1 to 4 not to carry amendment to the record of rights/Adangal in respect of subject property pending the disposal of W.P.No. 22454 of 2022, on the file of the High Court.

**I.A.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 amendment carried out in record of rights/adangal to the extent of 202 acres in Sy.No.83-1 of the subject property pending the final disposal of the writ petition and pass, Pending disposal of W.P. 22454 of 2021, 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 Sri Avinash Desai Advocate for the Petitioner Additional Advocate General and G.P. for Revenue for the Respondent Nos. 1 to 4 and the Court made the following

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ORDER :-

"The present Writ Petition is filed for the following relief:-

"to issue any order, direction or writ more particularly one in the nature of Writ of Mandamus declaring the action of Respondent Nos.1 to 4 more particularly Respondent No.4 in amending the record of rights/adangal to the extent of 202 acres in Sy.No.83-1 of subject property as illegal, arbitrary and in violation of the status-quo order passed by this Court in W.P.No.21407 of 2008 and consequently set aside the amendment made to the record of rights/adangal to the extent of 202 acres in Sy.No.83-1 of subject property and further direct the respondents not to carry out any amendment to the record of rights in respect of the subject property".

Heard the learned counsel for the petitioner and the learned counsel appearing for the respondents.

Sri D.Prakash Reddy, the learned Senior counsel appearing for the petitioner contends that earlier the 5th respondent and his family members has filed suit for injunction in O.S.No.7 of 1996. The said suit was dismissed and against the same A.S.No.1 of 2003 was preferred. The Additional District Judge, Hindupur dismissed the appeal by confirming the Judgment in O.S.No.7 of 1996 dated 30.09.2022. Aggrieved by the same, Second Appeal No.822 of 2006 was preferred by the respondents. This Court by order dated 20.12.2006 has dismissed the S.A.No.822 of 2006 giving liberty to the appellants to file a suit for recovery of possession of the suit property from the respondents.

The learned counsel submits that, at that point of time, the name of the petitioner was mutated in the record of rights/adangal in respect of the subject property. Thereafter, the 5th respondent has filed appeal before the RDO and the RDO has passed exparte interim order dated 01.11.2007. Thereafter, the petitioner herein has filed a Writ Petition No.21407 of 2008 for quashing the said proceedings.

At the stage of admission, only notice before admission was ordered in W.P.No.21407 of 2008. Subsequently, on 13.10.2008, this Court ordered that the status-quo earlier granted was extended and posted to 16.10.2008. After that, the status-quo granted earlier was extended until further orders.

While the things stood thus, the 5<sup>th</sup> respondent and his family members have filed a suit in O.S.No.19 of 2007 on the file of II Additional District Judge, Hindupur for declaration and recovery of possession of the subject property. After elaborate trial, the trial Court has allowed the suit in favour of 5<sup>th</sup> respondent and their family members.

Against the above said orders, the petitioner herein filed an appeal suit and the same is numbered as A.S.No.101 of 2022. This Court on 02.05.2022 in I.A.No.2 of 2022 in A.S.No.101 of 2022 has passed the following order:-

*In the meanwhile, it has been agreed between the parties that in addition to respondents no.1 to 5 not to take any step with regard to execution of the decree under appeal, in the event, the amount lying with the Competent authority under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 in connection with Land Acquisition cases No.07/2015-16 and 08/2015-16, if at all, is withdrawn by the respondents, they shall furnish bank guarantee with regard to the amount withdrawn in favour of the competent authority, which would extend to at least one year, so that, in the event, the present appeal succeeds, the amount can be recovered by the competent authority to be given to the appellants".*

While the matter stood thus, now the present Writ Petition is filed questioning the action of 4<sup>th</sup> respondent in amending the record of rights/adangals in respect of the subject property which is contrary to the orders passed by the Hon'ble Court in W.P.No.21407 of 2008 and also the provisions of Rights in Land and Pattadar Passbooks Act, 1971.

On perusal of the record, it appears that without notice to the petitioner the 4<sup>th</sup> respondent has mutated the names of the 3<sup>rd</sup> parties in the revenue records.

The learned senior counsel appearing on behalf of the petitioner submitted that in view of the status-quo order passed by this Court in W.P.No.21407 of 2008, the respondents are not entitled to alter the revenue records.

The learned Senior Counsel Sri C.V Mohan Reddy appearing for Respondent Nos.5 and 6 has submitted that the competent Civil Court has declared the rights of the 5<sup>th</sup> respondent and their family in respect of the subject property. Hence the respondent authorities have mutated the names of the 5<sup>th</sup> respondent and their family in the revenue records as per the declaration made by the competent civil Court in O.S.No.19 of 2007.

The learned Senior Counsel appearing on behalf of the respondents further submits that on perusal of the orders passed by this Court in W.P.No.21407 of 2008, on 13.08.2008, it appears that the status-quo earlier granted is extended and later, it is directed that the said status-quo is extended till further orders, but no status-quo orders are placed along with this Writ Petition.

The learned counsel further submits that the status-quo orders should be passed in relation to the prayer made in the Writ Petition. W.P.No.21407 of 2008 is only filed against the proceedings of the RDO in R.C.No.1743/2007. Hence, the status-quo should only pertain to the proceedings issued by the RDO and cannot be construed the said status-quo for entire entirety and the learned counsel for the respondents without going into the merits of the case, have raised objection with regard to maintainability of the Writ Petition. He submits that as per the averments made in the present Writ Petition, it is clear that it is filed only with a mere apprehension and hence, this Writ Petition has to be dismissed.

In reply to the contentions, the learned counsel has submitted that on perusal of the latest adangals, it is clear that the respondents have altered the records and mutated the names of the purchasers.

Considering the above submissions and perusal of the orders passed by this Hon'ble Court and other material filed along with Writ Petition and in view of the pendency of appeal suit, this Court satisfied with regard to prima facie case and not to mutate the 3rd party names and others.

Hence, the respondents are directed to maintain status-quo with regard to the records for a period of two(2) months.

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In the meanwhile, both the parties are directed to get the orders in the appeal which is pending before this Court in A.S.No.101 of 2022.

Post this matter along with W.P.No.21407 of 2008 after two(2) weeks."

Sd/- SK. MD. RAFI  
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

- 1.The Principal Secretary, Revenue Department, State of Andhra Pradesh, Secretariat Buildings, Velagapudi, Andhra Pradesh
- 2.The Collector and District Magistrate,, Sri Sathya Sai District, Collectorate Office, Satya Sai Mirpuri College of Music, Gokulam, Main Road, Puttaparthi-515 134, Sri Sathya Sai District
- 3.The Sub-Collector/Revenue Divisional Officer, Office of RDO, Penukonda - 515 110, Sri Sathya Sai District.
- 4.The Tahsildar, Office of Tahsildar, Gundepalli Village, Somandepalli Mandal -515 122 Sri Sathya Sai District.
- 5.Mr. Vikram Jethalal Joisher, S/o. late Jethalal Haridas Joisher, Residing at Nos.160 and 170, Sant Thukaram Road,Banushali Chambers, Masjid Bundar, Mumbai -400 009, Maharashtra State.
- 6.M/s. Shri Jyothiraadhitya Infra, A registered Partnership firm, Having its office at D.No 1-713-1 A, Rudrampeta, Opposite Reliance Info Comm, Anantapuramu, 515004. (Addressee Nos. 1 to 6 by RPAD)
- 7.Two CCs to the Addl. Advocate General, High Court of A.P., at Amaravati(OUT)
- 8.Two CCs to the G.P. for Revenue, High Court of A.P., at Amaravati(OUT)
- 9.One CC to Sri Avinash Desai, Advocate(OPUC)
- 10.One spare copy.

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# HIGH COURT

DR.J

DT.27-07-2022.

ORDER

W.P.No. 22454 of 2022.

STATUS QUO

