

IN THE HIGH COURT OF ANDHRA PRADESH



AT AMARAVATI

[3311]

(Special Original Jurisdiction)

Thursday, the seventh day of August, two thousand and twenty five

Present

The Honourable Ms. Justice B.S.Bhanumathi

Writ Petition No.21107 of 2025

Between:

S Gopal

...Petitioner

and

The State of Andhra Pradesh and Others

...Respondents

Counsel for the petitioner:

- 1.Sri K. G. Krishna Moorthy, learned senior counsel
assisted by Smt. Y. Mahalakshmi, learned counsel

Counsel for the Respondents:

- 1.Ms. Baliboyina Sravani, AGP for Forest
- 2.G.P for Revenue

The Court made the following:

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking the following relief:

"...to issue a Writ of Mandamus, or any other appropriate writ, order or direction, declaring the action of the respondents in the impugned notice, dated 21.07.2025, in Proceedings R.C.No.117/2025, directing the petitioner to vacate the patta land in Sy.No.117 to an extent of Ac.10.00 cents of J.Rampuram Village, Vajrakarur Mandal, Ananthapuramu District, as illegal, arbitrary and consequently direct the respondents not to interfere with the possession of the petitioner's land in Sy.No.117 to an extent of Ac.10.00 cents of J.Rampuram Village, Vajrakarur Mandal, Ananthapuramu District, and pass such other order or orders as the Hon'ble Court may deem fit and proper....."

2. The case of the petitioner, is briefly, as follows:

a. The father of the petitioner, by name, Sri S.Ramalingappa, was in occupation and enjoyment of Ac.3.65 cents in Sy.No.116 and Ac.10.00 cents in Sy.No.117 of J.Ramapuram village, Vajrakarur Mandal, Anantapuram District, for a long time. As such, the then Tahasildar assigned the said land in favour of the father petitioner vide proceedings D.A.No.10/1985, dated 30.03.1988. His name was also entered in the revenue records. The entries in R.S.R and 1-B register also reveal the name of the father of the petitioner in

relation to the said land. The father of the petitioner expired on 29.03.2006 leaving behind him the petitioner and two other sons. With the consent of the brothers of the petitioner, the revenue authorities issued pattadar passbook and title deed in favour of the petitioner. The father of the petitioner planted orange slappings and now they are fruit bearing. The petitioner obtained loan from the State Bank of India, Uravakonda branch mortgaging the said land for its development.

b. Sri Ramakrishna and Sri Mallikarjuna filed a complaint before different authorities, with an ill-motive, alleging that land in Sy.No.117 to an extent of Ac.10.00 cents is within the limits of Badrampalli Reserve Forest Zone. So, an enquiry was held by the Divisional Forest Officer, with the assistance of Forest Range Officer, Gooty, Forest Beat Officer, Pandikunta and Forest Section Officer, Pamidi and located the land with the help of G.P.S tracking and by verifying all the records and submitted a report on 20.09.2014 stating that the said land did not fall within the limits of Badrampalli Reserve Forest and is not even adjoining the said reserve forest area. Again, basing on the complaint by Sri Ramakrishna and Mallikarjuna, another enquiry was conducted by the officials and submitted report on 20.11.2014 reiterating the same finding.

c. Sri G.Ramakrishna and Mallikarjuna filed W.P. (PIL) No.265 of 2018 challenging the action of the authorities in not removing the encroachments in Sy.No.117 of J.Rampuram village, showing the petitioner as the 9th respondent. The W.P (PIL) was disposed on 29.04.2019 with the following observation.

“In view of our foregoing discussion, there is nothing to be adjudicated by this Court as to removal of

person in possession and delivery of an extent of Ac.10-00 cents in Survey No.117 of J. Rampuram village of Vajrakarur Mandal by issuing any direction since the Revenue Officials admitted that they delivered possession to the Forest Range Officer and the Forest Range Officer also accepted the said delivery of possession but 9th respondent is disputing the said delivery while contending that the proceedings are pending against cancellation of D.Form patta before the competent authority. Therefore, leaving it open to these petitioners to raise various questions regarding the actual delivery of possession of the property to the Forest Range Officer by the Tahsildar, so also the procedure followed by the Revenue Department in cancellation of D.Form patta and resumption in accordance with A.P.Act 9 of 1977 and rules framed thereunder.

With the above observation, the Writ petition is disposed of accordingly, giving liberty as stated supra."

3. Owing to the illegal insistence for cancellation of patta of the petitioner over this land, the Revenue Divisional Officer, Anantapuramu, cancelled the patta in the name of the petitioner vide Rc.No.2410/2017/D2, dated 31.01.2018. The petitioner filled writ petition in W.P.No.6065 of 2018 Challenging the cancellation of pattadar passbook by impleading the complainants as the respondents No.5 & 6. The writ petition is pending for disposal. Till date, the petitioner has been in possession and enjoyment of the land without any interruption.

4. The 4th respondent issued notice to the petitioner on 21.06.2025 calling for explanation or else that the property would be taken over. The petitioner addressed a letter on 11.07.2025 to the issuing authority of the notice to furnish a copy of the proceedings in R.Dis.No.43/2022 of the District Collector which was mentioned in the notice. Having received the letter, the 4th respondent failed to supply the copy till date. Thereafter, the petitioner received another notice on 08.07.2025 once again calling for explanation of the petitioner or else that the possession of the land would be taken. The petitioner approached the 4th respondent requesting to furnish the copy of the proceeding referred in the earlier notice, but the same was not supplied. It is pertinent to mention that the proceedings of the District Collector referred in the notice does not state the date of the proceeding. The 4th respondent issued once again another notice to the petitioner on 21.07.2025 indicating it as a final notice and directing the petitioner to submit the explanation or else that the possession of the land would be taken. The petitioner submitted a detailed explanation on 28.07.2025 and also requested to supply the copy of the proceeding of the District Collector above mentioned.

5. While things stood thus, the respondent authorities are making efforts to dispossess the petitioner from the legal possession of the property at the instance of the political leaders who bore grudge against the petitioner and trying to encroach the land. Hence, this writ petition was filed.

6. The learned senior counsel representing the petitioner submitted about the title and possession of the petitioner as described in the petition and further submitted that today the

respondents, with the assistance of the police, had highhandedly tried to dispossess the petitioner from his land and used JCB proclainer to uproot the existing grown up orange trees and the photographs taken in that connection have been submitted. He further submitted that instead of passing an order on consideration of the detailed explanation given by the petitioner, the respondent authorities are trying to illegally dispossess the petitioner from the land.

7. The learned Assistant Government Pleader for Forest and the learned Assistant Government Pleader for Revenue commonly submitted that the D.K.T patta was cancelled way back in the year 2018 and therefore, the petitioner does not have title to the property and there is no order of stay in the writ petition in W.P.No.6065 of 2018. They further denied the photographs supplied by the petitioner's counsel. They further submitted that final order would be passed basing on the explanation submitted by the petitioner.

8. In reply, the learned senior counsel submitted that the patta has not been cancelled and that the writ petition was filed challenging the cancellation of the pattadar passbook.

9. The documents filed by the petitioner would *prima facie* show the case pleaded by him in his support. Any highhanded action taken by the respondents before passing any order considering the explanation of the petitioner would be illegal. Therefore, in view of the submission made by the learned AGPs that a detailed order would be passed on the explanation of the petitioner, this Court is inclined to dispose of the writ petition with appropriate directions.

10. In the result, the Writ Petition is disposed of directing the respondent No.3 to pass a speaking order on the explanation, dated 28.07.2025, submitted by the petitioner after providing an opportunity of hearing to the petitioner and till such time, the possession of the petitioner over the land of Ac.10.00 cents in Sy.No.117 of J.Ramapuram village, Vajrakarur Mandal, Anantapuramu District, shall not be interfered by the respondents in any manner.

There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

B. S. BHANUMATHI, J

Dt.07-08-2025

Note:- Issue CC today
(B/o)
RAR