



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

**[3332]**

**TUESDAY, THE SIXTEENTH DAY OF JUNE  
TWO THOUSAND AND TWENTY SIX**

**PRESENT**

**THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI**

**WRIT PETITION NO: 22557/2023**

**Between:**

- 1.K BALARAJU, S/O PEDDANNA, AGED ABOUT 46 YEARS, OCC. AGRICULTURE LABOUR, R/O. DOOR NO.5-13, KANALA VILLAGE, NANYDALA MANDAL AND DISTRICT, ERSTWHILE KURNOOL DISTRICT.
- 2.BOYA PEDDANA @ K. PEDDANNA,, S/O SANTENNA, AGED ABOUT 74 YEARS, OCC. AGRICULTURE LABOUR, R/O. DOOR NO.5-13, KANALA VILLAGE, NANYDALA MANDAL AND DISTRICT, ERSTWHILE KURNOOL DISTRICT.
- 3.SHAIK MAHABOOB BEE,, W/O HAMEE BASHA, AGED ABOUT 47 YEARS, OCC. AGRICULTURE LABOUR, R/O. DOOR NO. 1-99, KANALA VILLAGE, NANDYAL MANDAL AND DISTRICT, ERSTWHILE KURNOOL DISTRICT.
- 4.SHAIK IMRANA,, W/O SHAIK THIN SHA VALI, AGED ABOUT 29 YEARS, OCC. AGRICULTURE LABOUR, R/O. DOOR NO.8-33, KANALA VILLAGE, NANDYAL MANDAL AND DISTRICT, ERSTWHILE KURNOOL DISTRICT.
- 5.KALVATALA CHANDRA KALA,, W/O K. BALARAJU, AGED ABOUT 40 YEARS, OCC. AGRICULTURE LABOUR, R/O. DOOR NO.5-13, KANALA VILLAGE, NANYDALA MANDAL AND DISTRICT, ERSTWHILE KURNOOL DISTRICT.

**...PETITIONER(S)**

**AND**

- 1.THE STATE OF ANDHRA PRADESH, REP.BY ITS PRINCIPAL SECRETARY, REVENUE (ASSIGNMENT) DEPARTMENT, SECRETARIAT BUILDINGS, VELAGAPUDI, AMARAVATHI, GUNTUR DISTRICT, AP.
- 2.THE DISTRICT COLLECTOR, NANDYAL DISTRICT, NANDYAL, ERSTWHILE KURNOOL DISTRICT.
- 3.THE TAHSILDAR, NANDYAL MANDAL, NANDYAL DISTRICT, ERSTWHILE KURNOOL DISTRICT.

**...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 issue a Writ or order or direction more particularly one in the nature of a Writ of Mandamus declaring the action of the 3rd Respondent issuance of the orders vide Rc. B/50/2022, dated 06-06-2023 by treating us as unauthorized occupants is illegal, arbitrary, contrary to the provisions of the AP Assigned Lands (Prohibition of Transfers) Act 1977 and Rules 2007 and consequently set-aside the orders of the 3rd Respondent vide Re. B/50/2022, dated 06-06-2023 by direct the 3rd Respondent not to dispossess us from our peaceful possession and enjoyment of our respective agriculture lands situated at in survey No.449/2A an extent of Ac.0-68 cents in respect of the 1st Petitioner, an extent of Ac.0-34 cents in survey No.449/2A in respect of the 2nd Petitioner, in an extent of Ac.0- 34 cents in survey No. 449/2A in respect of 3rd Petitioner, in an extent of Ac.0- 35 cents in survey No.449/2A1 in respect of 4th Petitioner and in respect of the 5th Petitioner an extent of Ac.O-34 cents in survey No.449/2A of Kanala Village, Nandyala Mandal and District, erstwhile Kurnool District, and 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 by direct the 3rd Respondent not to dispossess the petitioners from their peaceful possession and enjoyment of their respective agriculture lands situated at in survey No.449/2A an extent of Ac.O-68 cents in respect of the 1st Petitioner, an extent of Ac.O-34 cents in survey No.449/2A in respect of the 2nd Petitioner, in an extent of Ac.O-34 cents in survey No. 449/2A in respect of 3rd Petitioner, in an extent of Ac.O-35 cents in survey No.449/2A1 in respect of 4th Petitioner and in respect of the 5th Petitioner an extent of Ac.O-34 cents

in survey No.449/2A of Kanala Village, Nandyala Mandal and District, erstwhile Kurnool District, pending disposal of the main writ petition and pass

**Counsel for the Petitioner(S):**

1.CH VIDYASAGAR

**Counsel for the Respondent(S):**

1.GP FOR REVENUE

**The Court made the following Order:**

Assailing the orders passed by respondent No.3 *vide* Rc.B/50/2022 dated 06.06.2023, the present writ petition is filed.

2. Heard Sri. N.Ramesh, learned counsel, representing Sri. Ch.Vidya Sagar, learned counsel for the petitioners and Sri. B.Venkata Satyanarayana, learned Assistant Government Pleader for revenue.

3. Learned counsel for the petitioners contended that the Tahsildar had issued notices under Section 7 of Andhra Pradesh Land Encroachment Act, 1905 and passed order dated 06.06.2023 under Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (for short "Act No. 9 of 1977") & Rules therein without proper application of mind. As such the order impugned is *ex facie* illegal and liable to set aside and accordingly prayed to set aside the impugned order.

4. On the other hand, learned Assistant Government Pleader for Revenue, contended that, tahsildar might have wrongly mentioned about the Encroachment Act, but the proceedings were initiated against the petitioners who are occupants of the assigned land. It is further contended that Form-II notices were issued under Rule 3 of the Rules 2007, and after following the procedure contemplated under Act 9 of 1977, the impugned orders were rightly passed. He further submitted that there is neither illegality nor procedural irregularity in passing the order impugned. In any event, if the petitioners are aggrieved by the impugned orders, they have an effective

alternative remedy by way of filing an appeal before the competent appellate authority. Instead of approaching the appellate form, the petitioners have straight away filed the present writ petition, which is not maintainable. Hence, the writ petition is liable to be dismissed.

5. Perused the record and considered the submissions made by both the learned counsel.

6. The case of the petitioners is that the subject land was assigned in their favour in the year 2013. After death of 1<sup>st</sup> petitioner mother, the petitioners came into possession of the subject land. It is the further case of the petitioners that having issued D-Form patta in their favour by the then Tahsildar, in the impugned proceedings it was mentioned that they are fake and forged and also there are no entries in web-land, adangals of Kanala Village and thereby passed the orders impugned.

7. A perusal of the orders impugned, it clearly indicate that notices were issued to the petitioners by invoking Section 7 of Andhra Pradesh Land Encroachment Act, 1905. However, in the proceedings it was mentioned that Form-I and II were issued under Act 9 of 1977. Though the proceedings does not specifically refer to Act 9 of 1977, but the manner in which the proceedings were issued indicate that the Tahsildar has followed Act 9 of 1977 to some extent.

8. Issuing notice under the Andhra Pradesh Land Encroachment Act, 1905 and passing orders under the Andhra Pradesh Assigned Lands (Prohibition of

Transfers) Act, 1977 is wholly unsustainable and clearly without proper application of mind. Therefore, the order impugned dated 06.06.2023 is *ex facie* illegal and liable to be set aside.

9. With the above directions, this Writ Petition is allowed and the impugned order dated 06.06.2023 is hereby set aside. However, the authorities are not precluded from taking steps in accordance with law. No costs. Miscellaneous petitions pending, if any, shall stand closed.

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**JUSTICE RAVI CHEEMALAPATI**

Date:16.06.2026  
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