



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

[3458]

FRIDAY, THE TWENTY FOURTH DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SMT JUSTICE KIRANMAYEE MANDAVA

WRIT PETITION NO: 28839/2022

Between:

1.P.V.B.R.KRISHNA REDDY, S/O.P.SUBBI REDDY, AGE 58 YEARS,
RESIDING AT D.NO.7-5-117/1, 4TH FLOOR, FLAT NO.501, BLOCK -
A, VINAYAGAR OCENIC, MYTHRI NAGAR, PANDURANGAPURAM,
ANDHRA UNIVERSITY, VISAKHAPATNAM - 530 003

...PETITIONER

AND

1.STATE OF ANDHRA PRADESH, REPRESENTED BY ITS PRINCIPAL
SECRETARY, REVENUE DEPARTMENT, SECRETARIAT COMPLEX,
VELAGAPUDI, AMARAVATI, GUNTUR DISTRICT - 522 238

2.THE COMMISSIONER APPEALS, O/O. THE CHIEF COMMISSIONER
OF LAND ADMINISTRATION (CCLA), HAVING OFFICE AT D.NO 22-
19, 2ND FLOOR, BLOCK-A, JASTHI TOWERS, SAI PURAM COLONY
ROAD, GOLLAPUDI, VIJAYAWADA 521 225.

3.THE DISTRICT COLLECTOR, COLLECTORATE COMPLEX,
MAHARANIPETA, VISAKHAPATNAM - 530 002

4.THE JOINT COLLECTOR, VIZIANAGARAM, VIZIANAGARAM
DISTRICT.

5.THE REVENUE DIVISIONAL OFFICER, VIZIANAGARAM REVENUE
DIVISION, VIZIANAGARAM DISTRICT.

6.THE TAHSILDAR, BHOGAPURAM MANDAL, VIZIANAGARAM
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 It is therefore prayed that this Honble Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of a Writ of Prohibition or any other appropriate writ or direction prohibiting 2nd Respondent from proceeding further with the Non-Statutory Appeal filed by the 6th Respondent against the order of the 4th Respondent in D.Dis.No. 814/2021/FI dated 18.12.2021 directing to make necessary incorporations in the remarks column of SLR/FMB in respect of the land ad-measuring Ac.5.31 Cents situated in Sy.No.204/P (co-relating to old Sy.No.199) of Gundepuvalasa Village, Bhogapuram Mandal, Vizianagaram District and from exercising any jurisdiction in the Appeal as being illegal, arbitrary, wholly without jurisdiction and, violative of Articles 14, 19 (g), 21 and 300A of the Constitution of India and the Rules of natural justice and consequently quash the same and further direct the Respondent Revenue Authorities to forthwith implement the Order of the 4th Respondent in D.Dis.No.814/2021/FI dated 18.12.2021 and pass such other order or orders as this Honble Court may deem fit and proper in the facts and circumstances of the case. Prayer is amended as per the Court's Order dt.23.03.2026 in I.A.No.02 of 2026.

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 stay all further proceedings in furtherance to the appeal filed against the orders of the Joint Collector, Vizianagaram District in D.Dis.No.814/2021/F1 dated 18.12.2021, pending before the 2nd respondent and to 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 vacate the interim order dated 08.09.2022 in IA No. 1 of 2022 in WP.No.28839 of 2022 and dismiss the Writ Petition and pass

IA NO: 2 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 permit the Petitioner herein to amend the prayer in the Writ Petition by replacing the letters and words Old Prayer: " It is therefore prayed that this

Hon'ble Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of a Writ of Mandamus or any other appropriate writ or direction declaring the action of the 6th Respondent in preferring a non-statutory Appeal against the order of the 4th Respondent in D.Dis.No.814/2021/FI dated 18.12.2021 directing to make necessary incorporations to in the remarks column of SLR/FMB and the action of the 2nd Respondent in entertaining an Appeal preferred by the 6th Respondent as being illegal, void, ultravires, arbitrary, malafide, violative of the Board's Standing Order No.34- B(10) and unconstitutional and consequentially direct the Respondents to implement the orders of the 4th Respondent in D.Dis.No. 814/2021/FI dated 18.12.2021 by setting aside the Appeal filed by the 6th Respondent; and pass such other order or orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case. New Prayer: with the following letters and words " It is therefore prayed that this Honble Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of a Writ of Prohibition or any other appropriate writ or direction prohibiting 2nd Respondent from proceeding further with the Non-Statutory Appeal filed by the 6th Respondent against the order of the 4th Respondent in D.Dis.No.814/2021/FI dated 18.12.2021 directing to make necessary incorporations in the remarks column of SLR/FMB in respect of the land ad-measuring Ac. 5.31 Cents situated in Sy. No.204/P (co-relating to old Sy.No.199) of Gundepuvalasa Village, Bhogapuram Mandal, Vizianagaram District and from exercising any jurisdiction in the Appeal as being illegal, arbitrary, wholly without jurisdiction and, violative of Articles 14, 19(g), 21 and 300A of the Constitution of India and the Rules of natural justice and consequently quash the same and further direct the Respondent Revenue Authorities to forthwith implement the Order of the 4th Respondent in D.Dis.No. 814/2021/FI dated 18.12.2021 and pass such other order or orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case. and pass

Counsel for the Petitioner:

1.VALLURU CHETAN SUSHEEL

Counsel for the Respondent(S):

1.GP FOR REVENUE

THE HONOURABLE SMT JUSTICE KIRANMAYEE MANDAVA**WRIT PETITION NO: 28839/2022****The Court made the following Order:**

Heard Sri M.R.K. Chakravarthy, learned counsel appearing for Sri Valluru Chetan Susheel, learned counsel for the petitioner and the learned Assistant Government Pleader for Revenue appearing for the respondents.

2. The instant writ petition is filed seeking Writ of Prohibition against the respondent No.2 from proceeding further with the Non-Statutory Appeal filed by the respondent No.6 against the order of the respondent No.4 in D.Dis.No.814/2021/FI, dated 18.12.2021 directing to make necessary incorporations in the remarks column of SLR/FMB in respect of the land admeasuring Ac.5.31 cents situated in Sy.No.204/P (co-relating to old Sy.No.199) of Gundepuvalasa Village, Bhogapuram Mandal, Vizianagaram District and from exercising any jurisdiction in the Appeal. The petitioner further prayed for quash of the said proceedings and sought a consequential direction to the respondent revenue authorities to forthwith implement the Order of the respondent No.4 in D.Dis.No.814/2021//FI, dated 18.12.2021.

3. It is contended that the petitioner had purchased the subject property from one Potturi Prasad Raju vide registered sale deed, bearing Doc.No.3562 of 2010, dated 27-10-2010. The land was originally Inam (dry) land and is classified as Zeroithy (dry) land. The Original pattadar of the land Sri Veluvarthi Surya Prabhakar Rao, sold the property in favour of one Darapu Lakshmana Reddy vide registered sale deed, dated 01-02-2007. He in turn

entered into an agreement of sale cum General Power of Attorney with the vendor of the petitioner.

4. It is contended that in connection with the conversion of the subject agricultural land into non-agricultural land, the petitioner had made a representation to the Revenue authorities. The RDO issued an endorsement stating that, as per the Settlement & Fair Land Adangal, the land is classified as Inam Punja Gurubillivani Tank, and, as per FCO, it is classified as Ryotwari Dry, with the name of one Veparthi Venkata Ramudu noted as pattadar. Aggrieved by the said order, the petitioner made an application to the 3rd and 4th respondents to carry out the necessary changes in the revenue records to delete the entries. The 4th respondent, vide proceedings dated 18-12-2021, directed the 6th respondent to carry out the necessary corrections in the revenue records, changing the classification of the lands from SLR and FMB as Ryotwari (dry) land. Consequently, the 6th respondent issued proceedings, dated 05-01-2022 for giving effect to the orders of the 4th respondent. Later, the 6th respondent filed an appeal before the 2nd respondent, contending to issue orders for correction of entries in revenue records and the Joint Collector lacks the jurisdiction under B.S.O. 34B(10). It is further contended by the Tahsildar that it is the Collector who has got the power to carry out correction in the revenue records. Thus the Tahsildar sought set aside of the proceedings of the Joint Collector correcting the entries in SLR and FMB. In pursuance thereof, the impugned notices were issued.

5. It is contended by the learned counsel for the petitioner that as against the order passed under B.S.O. 34B(10), no appeal is provided under law. In support of his contention, Sri M.R.K. Chakravarthy, learned counsel appearing for the petitioner placed reliance on the Judgment passed by the Division Bench of this Court in W.A.No.209 of 2026, dated 31-03-2026, wherein it is held that:

“9. From a bare reading of the aforesaid B.S.O. 15, it is obvious that an appeal lies to the Divisional Officer from the orders of the Tahsildar and to the Collector from the order of the Divisional Officer. It does not cover an order passed under B.S.O. 34B(10). It did not confer any right of appeal against an order passed by the Joint Collector cum Settlement Officer under B.S.O. 34B(10) to the Commissioner of Appeals. Therefore, it is really beyond our comprehension as to how the Tahsildar preferred an appeal against the said order of the Joint Collector cum Settlement Officer to the Commissioner of Appeals and as to how the Commissioner of Appeals entertained the said appeal and has set aside the order of the Joint Collector cum Settlement Officer. It is settled proposition of law that appeal is a statutory right and only when Statute confers a right of appeal against any particular order, then only an aggrieved person can prefer and appeal against the said order. When the Statute did not provide any right of appeal or confer any appellate jurisdiction on any appellate authority, an appeal is not maintainable against the said order.”

6. In the facts of the present case the Joint Collector after calling for the report had passed the order exercising power under B.S.O. 34B(10) rectifying the mistake occurred in the remarks column of the SLR and FMB from Punja

Gurubillivani Cheruvu to Ryothwari Dry as the said tank did not exist and no Aayacut under the tank.

7. Having regard to the above, this Court is of the view that the issue raised in the instant Writ Petition is covered by the Division Bench Judgment of this Court in the case referred supra at Paragraph 5. Placing reliance on the same, the appeal filed by the Tahsildar is not maintainable. Accordingly, the impugned proceedings are set aside and the respondents are directed to give effect to the proceedings of the respondent No.4, dated 18-12-2021.

8. With the above observation, the Writ Petition is allowed. There shall be no order as to costs.

As a sequel, all pending miscellaneous applications shall stand closed.

JUSTICE KIRANMAYEE MANDAVA

Dated: 24-04-2026
MSI

THE HONOURABLE SMT JUSTICE KIRANMAYEE MANDAVA

WRIT PETITION NO: 28839/2022

Dated: 24-04-2026

MSI