



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

[3206]

FRIDAY, THE FIFTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE R RAGHUNANDAN RAO

WRIT PETITION NO: 11662/2017

Between:

1.S JAYARAMAIAH, CHITTOOR5 DIST.,A.P., R/O. PAPARAJU
KANDRIGA(VODDINDLU) VILLAGE NINDRA MANDAL, CHITTOOR
DISTRICT, CHITTOOR. STATE OF A.P.

...PETITIONER

AND

1.THE STATE OF A P ASSIGNMENT VIJAYAWADA 6 OTRS,
REVENUE (ASSIGNMENT), SECRETARIAT, VELAGAPUDI,
VIJAYAWADA, A.P.

2.THE JOINT COLLECTOR, CHITTOOR DISTRICT, CHITTOOR.

3.THE REVENUE DIVISIONAL OFFICER CHITTOOR CHITTOOR DIST,
-

4.THE TAHSILDAR, NINDRA MANDAL, CHITTOOR DIST.

5.SMT S KANNEMMA W/O LATE S KRISNAIAH HOUSEHOLD,
PAPARAJ UKANDRIGA(VODDINDLU) VILLAGE, NINDRA MANDAL,
CHITTOOR DIST.

6.S GOVINDAIAH S/O S KRISNAIAH, PAPARAJU, KANDRIGA,
(VODDINDLU) NINDRA MANDAL, CHITTOOR DIST.

7.SURA VENKATAIAH S/O LATE S KRISNAIAH, PAPARAJU
KANDRIGA(VODDINDLU) VILLAGE, NINDRA MANDAL, CHITTOOR
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, Order or Orders or Direction more particularly one in the nature of a Writ of Mandamus declaring the impugned order dated 28.01.2017 in D. Dist. No. (D.4)/7514 of 2016 by the 2nd respondent and consequential notice in ROC (B) 64/2017 dated 23.02.2017 issued by the 4th Respondent as illegal, arbitrary, mala fide, without authority, power and jurisdiction and set aside the same and consequentially direct the Respondents not to entertain any application for the partition/ Division of the land an extent of Ac 1.50 cents in Sy. No. 201/ IA of Nindra Village, Nindra Mandal, Chittoor District in the interest of justice

IA NO: 1 OF 2017(WPMP 14507 OF 2017)

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 impugned order dated 28.01.2017 in D. Dist. No. (D.4)/7514 of 2016 passed by the 2nd respondent and consequential notice in ROC (B) 64/2017 dated 23.02.2017 issued by the 4th Respondent, pending disposal of the Writ Petition in the interest of justice

Counsel for the Petitioner:

1.A CHANDRAIH NAIDU

Counsel for the Respondent(S):

1.GP FOR ASSIGNMENT (AP)

2.S PRANATHI

The Court made the following Order:

The petitioner herein, being aggrieved by the Order of the Joint Collector, Chittoor, dated 28.01.2017, directing identification of Ac.1-50 cents of land, in Sy.No.201/1A of Nindra Village, assigned to Smt. S. Kannemma, who is the 5th respondent herein and for sub-division of the said land, by dividing the same into three (03) equal shares and for assignment of the said three equal shares to the petitioner herein, and the respondents 6 & 7 herein, has approached this Court.

2. The proceedings of the Joint Collector, dated 28.01.2017, records that a petition had been submitted by the respondents 5 to 7 to the Joint Collector, for sub-division of land admeasuring Ac.1.42 cents, in Sy.No.315/4 and Ac.0-54 cents of land, in Sy.No.315/6. On the basis of this request, an enquiry is said to have been conducted, wherein it came to the notice of the Officials that the land, in Sy.No.315/4 and Sy.No.315/6, was the subject matter of O.S.No.52 of 2015, filed before the learned Junior Civil Judge, Nagari, which had been disposed of, by way of a judgment and decree, dated 30.01.2016, granting permanent injunction against the respondents 6 & 7, prohibiting them from interfering with the possession of the petitioner over the said land. This enquiry is said to have revealed that the 5th respondent had been assigned an extent of Ac.1.50 cents of land, in Sy.No.201/1A, on 20.11.2000 and that, she was requesting the said land to be divided into three equal shares and distributed between her three sons. At this stage, it is necessary to note the

relationship between the parties to the Writ Petition. The petitioner herein and the respondents 6 & 7 are the sons of the 5th respondent.

3. The petitioner being aggrieved by the directions issued by the Joint Collector, dated 28.01.2017, has approached this Court, by way of the present Writ Petition.

4. The case of the petitioner is that, the wife of the petitioner, using the money gifted to her, by her father, had purchased various extents of land including the land, in Sy.Nos.315/4, 315/6 & 201/1A of Nindra Village. However, it came to light that these lands were assigned lands, which could not have been alienated. On that account, the petitioner is said to have requested the authorities to assign those lands to his family members and accordingly, the land in Sy.No.315/4 and 315/6 was assigned in the name of the petitioner, while an extent of Ac.1.50 cents of land, in Sy.No.201/1A was assigned to the 5th respondent, who is the mother of the petitioner. Subsequently, the 5th respondent, is said to have sold the extent of Ac.1.50 cents of land in favour of the wife of the petitioner. The petitioner, on the basis, of these contentions, submits that, the land in Sy.No.201/1A, belongs to the wife of the petitioner and the 5th respondent, who had sold away the land, did not have any authority or right to seek sub-division of this land, in favour of their own sons including the petitioner.

5. The contentions of the petitioner are said to be supported, by two unregistered sale deeds, dated 16.11.1995 & 09.09.2003. As these two deeds

of sale are unregistered documents, this Court would have to decline going into these documents.

6. In these circumstances, this Court cannot accept the contention of the petitioner that, there was sale of the land, in Sy.No.201/A, by the mother of the petitioner to his wife. There is no dispute that this land had been assigned to the mother of the petitioner, arrayed as the 5th respondent, in the Writ Petition. The only dispute is on the question of whether such land had been sold by the mother of the petitioner to the wife of the petitioner. That dispute also does not merit consideration in as much as there is no material before this Court to believe such a contention.

7. For all the aforesaid reasons, the request of the mother of the petitioner, for sub-division of the land, which had been assigned to her, for the purposes of assigning these lands to her three sons cannot be said to be illegal.

8. In these circumstances, nothing further would survive in this Writ Petition and accordingly, it is dismissed. There shall be no order as to costs.

As a sequel, pending miscellaneous applications, if any, shall stand closed.

R. RAGHUNANDAN RAO, J

Date:05.12.2025
KPV

155

THE HON'BLE SRI JUSTICE R. RAGHUNANDAN RAO

WRIT PETITION No:11662 of 2017

05.12.2025

KPV