

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

WEDNESDAY, THE FIFTEENTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY THREE



:PRESENT:

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

I.A.No.1 OF 2023

IN

WRIT PETITION NO: 26719 OF 2023

Between:

Battipothula Rosaiah, S/o. Rosaiah, Aged about 70 years, R/o. Pathanapuram Village, Kaligiri Mandal, S.P.S.R. Nellore District

Petitioner

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary, Revenue Department, Secretariat, Velagapudi, Guntur District.
2. The District Collector, Nellore, S.P.S.R. Nellore District.
3. The Revenue Divisional Officer, Kavali, S.P.S.R. Nellore District.
4. The Tahsildar, Kaligiri Mandal, S.P.S.R. Nellore District.
5. Challa Vijaya Bhaskar Reddy, S/o. Penchala Reddy, Aged about not known to the petitioner, R/o. Pathanapuram Village, Kaligiri Mandal, S.P.S.R. Nellore District.

Respondents

Petition under Section 151 CPC is filed praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased stay of all further proceedings pursuant to the impugned endorsement in RC.B/600/2023, dt.19.07.2023 issued by the 4th respondent, in respect of the land in Sy.No.189-3, to an extent of Ac.3.19 cents, situated at Kothapeta Village of Kaligiri Mandal, S.P.S.R. Nellore District, pending disposal of the Writ Petition No.26719 of 2023 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 the Order of the High Court, dated 11.10.2023 made in W.P.No.26719 of 2023 and upon hearing the arguments of Sri M DELHI BABU Advocate for the Petitioner and of GP FOR REVENUE for the Respondent Nos.1 to 4, the Court made the following.

ORDER:

"The learned counsel for the petitioner submitted that the subject land was assigned to the petitioner by way of granting patta and in the absence of the petitioner from the village on account of health issues, the 5th respondent had occupied the said land. When the petitioner, after recouping his health

came to the subject land and requested the 5th respondent to vacate the land, he did not oblige and threatened the petitioner with dire consequences. Consequently, the petitioner made applications to the authorities through spandana requesting the authorities to restore back the land to him by evicting the 5th respondent. The 4th respondent- Tahsildar, instead of taking steps to restore the land to the petitioner under section 4 of the A.P.Assigned Lands (POT) Act, 1977, issued endorsement in RC.B/600/2023 dated 19.07.2023 recommending to cancel the DKT patta of the petitioner. The said order is ex facie illegal and the same has been passed against the provisions of the A.P.Assigned Lands (POT) Act, 1977. If the impugned orders are allowed to subsist, the rights of the petitioner would get infringed. Hence, prayed to protect the interest of the petitioner.

Perused the material available on record.

Prima facie, a point for consideration is made out in this writ petition and for effective adjudication of the same, a detailed counter is required.

There shall be stay of all further proceedings pursuant to the impugned endorsement in RC.B/600/2023, dated 19.07.2023, pending further orders."

SD/-N.NAGAMMA
ASSISTANT REGISTRAR

SECTION OFFICER

//TRUE COPY//

To,

1. The Principal Secretary, Revenue Department, State of Andhra Pradesh, Secretariat, Velagapudi, Guntur District.
 2. The District Collector, Nellore, S.P.S.R. Nellore District.
 3. The Revenue Divisional Officer, Kavali, S.P.S.R. Nellore District.
 4. The Tahsildar, Kaligiri Mandal, S.P.S.R. Nellore District.
 5. Challa Vijaya Bhaskar Reddy, S/o. Panchala Reddy, Aged about not known to the petitioner, R/o. Pathanapuram Village, Kaligiri Mandal, S.P.S.R. Nellore District. **(Addresses 1 to 5 by RPAD)**
 6. One CC to SRI.M.DELHI BABU Advocate [OPUC]
 7. Two CCs to GP FOR REVENUE, High Court of Andhra Pradesh. [OUT]
 8. **One spare copy**
- SRL



HIGH COURT

RCJ

DATED:15/11/2023

POST ON 29.11.2023

ORDER

I.A.No.1 OF 2023

IN

WP.No.26719 of 2023

STAY

