

APHC010329692024



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

[3208]

THURSDAY, THE ELEVENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE D RAMESH

WRIT PETITION NO: 16682/2024

Between:

1. ADAPA THREEMURTHULU, S/O MANDESWARARA RAO, AGED
63 YRS, AGRICULTURIST, TADKALAPUDI VILAGE,
KAMAVARAPU KOTA MANDAL, ELURU, WEST GODAVARI
DISTRICT

...PETITIONER

AND

1. THE STATE OF AP, REPRESENTED BY ITS PRINCIPLE
SECRETARY, REVENUE DEPARTMENT, SECRETARIAT,
AMARAVATHI, AT VELAGAPADU, GUNTUR DIST, AP.
2. THE DISTRICT COLLECTOR, ELURU, WEST GODAVARI NOW
ELURU DISTRICT
3. THE REVENUE DIVISIONAL OFFICER, JANGAREDDY GUEDEM,
WEST GODAVARI NOW ELURU DISTRICT
4. THE TAHSILDAR, KAMAVARUPU KOTA MANDAL, WEST
GODAVARI NOW ELURU DISTRICT.
5. SMT MUTTAVARAPU RANI SUSHEELA, W/O MUTTAVARAPU
JAGJEEVAN RAO, R/O D.NO. 3-43, KOPPAKA VILLAGE,
PEDAVEGI MANDAL, W.G. DISTRICT NOW ELURU 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 orders or directions more particularly

in the nature of Writ of Mandamus calling for the records pertaining to the notice under Form-II dt.1st July 2024 issued by the 4th Respondent and thereby declaring the action of the Respondents more particularly the Respondents 2 to 4, in interfering with the possession and enjoyment of the land of the Petitioner an extent of Ac. 5.00 cents, in Sy.No.195/3, vide LD.No.221/1417/07, Dt.10-09-2007 and Pass Book No.3299, dt. 16-09-2008 issued by the 4th Respondent, situated at Tadakalapudi Village of Kamavarapu Kota Mandal, West Godavari now Eluru District, on political' interference from the pressure of the 5th Respondent as illegal, arbitrary, contrary to law, violative of Principles of natural justice, violative of Art. 14, 21 and 300-A of Constitution of India, in the interest of justice and to pass

IA NO: 1 OF 2024

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 notice issued under Form-11 dt.1st July 2024 issued by the 4th Respondent by not to interfere the possession and enjoyment of land of the petitioner an extent of Ac.5.00 cents, in Sy.No. 195/3, vide L.D.No.221/1417/07, Dt.10-09-2007 and Pass Book No.3299, dt.16-09- 2008 issued by the 4th Respondent, situated at Tadakalapudi Village of Kamavarapu Kota Mandal, West Godavari now Eluru District, in the interest of the Justice, pending disposal of the above writ petition and pass

IA NO: 2 OF 2024

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 passed in writ petition vide W.P. No. 16682 of 2024 dated 02.08.2024 and pass

IA NO: 3 OF 2024

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 02.08.2024 in WP.No. 16682 of 2024 and to dismiss the Writ Petition and pass

Counsel for the Petitioner:

1.CORPUS JURIS LAW PANEL LLP

Counsel for the Respondent(S):

1. GP FOR REVENUE

2. TURAGA SAI SURYA

WRIT PETITION NO: 3241/2025

Between:

1. ADAPA THREEMURTHULU, S/O MANDESWARARA RAO, AGED 63 YRS, AGRICULTURIST, TADKALAPUDI VILAGE, KAMAVARAPU KOTA MANDAL, ELURU, WEST GODAVARI D

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REPRESENTED BY ITS PRINCIPLE SECRETARY, REVENUE DEPARTMENT, SECRETARIAT, AMARAVATHI, AT VELAGAPADU, GUNTUR DIST, AP.

2. THE DISTRICT COLLECTOR, ELURU, WEST GODAVARI NOW ELURU DISTRICT

3. THE REVENUE DIVISIONAL OFFICER, JANGAREDDY GUDEM, WEST GODAVARI NOW ELURU DISTRICT

4. THE TAHSILDAR, KAMAVARUPU KOTA MANDAL, WEST GODAVARI NOW ELURU DISTRICT.

5. SMT MUTTAVARAPU RANI SUSHEELA, W/O MUTTAVARAPU JAGJEEVAN RAO, R/O D.NO. 3-43, KOPPAKA VILLAGE, PEDAVEGI MANDAL, W.G. DISTRICT NOW ELURU 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 topleased to issue a Writ or orders or directions more particularly in the nature of Writ of Mandamus calling for the records pertaining to the Proceedings ROC No.280/2024/C, dated 26.07.2024 of the 3 respondent cancelling the Patta in favour of the petitioner vide L.D.No.221/1417/07, Dt.10-09-2007 and Pass Book No.3299, dt.16-09-2008 in respect of the land an extent of Ac.5.00 cents, in Sy.No.195/3 situated at Tadikalapudi Village of Kamavarapu Kota Mandal, West Godavari now Eluru District is illegal, arbitrary, contrary to law, violative of principles of natural justice, violative of Art. 14,21 and 300-A of Constitution of India, as well the amendment of the Andhra Pradesh

Assigned Lands (Prohibition of Transfers) Act, 1977 (Act 9 of 1977) vide The AP Assigned Lands (Prohibition of Transfers) (Amendment) Act 2019 without looking at the petitioner being a landless poor person and consequently set-aside the Impugned Proceedings of the 3rd respondent, in the interest of justice and pass

IA NO: 1 OF 2025

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 Proceedings ROC No.280/2024/C, datd 26.07.2024 of the 3rd respondent by not to interfere with the possession and enjoyment of land of the petitioner an extent of Ac.5.00 cents, in Sy.No.195/3, vide L.D.No.221/1417/07, Dt.10- 09-2007 and Pass Book No.3299, dt. 16-09-2008 issued by the 4th Respondent, situated at Tadakalapudi Village of Kamavarapu Kota Mandal, West Godavari now Eluru District, in the interest of the Justice, pending disposal of the above writ petition and pass

Counsel for the Petitioner:

- 1.CORPUS JURIS LAW PANEL LLP

Counsel for the Respondent(S):

- 1.GP FOR REVENUE
- 2.TURAGA SAI SURYA

WRIT PETITION NO: 29129/2025

Between:

- 1.MUTTAVARAPU RATNA BAYAMMA, W/O MUTTAVARAPU JAYARAJU AGED ABOUT 86 YEARS, R/O H. NO. 3-43, KOPPAKA VILLAGE, PEDAVEGI MANDAL, WEST GODAVARI DISTRICT NOW ELURU DISTRICT.

...PETITIONER

AND

- 1.THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, REVENUE DEPARTMENT, A.P. SECRETARIAT, VELAGAPUDI, AMARAVATI, GUNTUR DISTRICT.
- 2.THE DISTRICT COLLECTOR, ELURU, WEST GODAVARI NOW

ELURU DISTRICT.

- 3.THE REVENUE DIVISIONAL OFFICER, JANGAREDDY GUEM
MANDAL WEST GODAVARI NOW ELURU DISTRICT.
- 4.THE TAHSILDAR, KAMAVARUPU KOTA MANDAL, WEST
GODAVARI NOW ELURU DISTRICT.
- 5.ADAPA THREEMURTHULU, S/O MANDESWARARA RAO, AGED
63 YEARS, OCC AGRICULTURIST, TADKALAPUDI VILLAGE,
KAMAVARAPU KOTA MANDAL, ELURU, WEST GODAVARI
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 toPleased to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the 4th respondent in not considering the petitioners representation dated 17.02.2025 and in rejecting the petitioners claim vide proceedings Roc. 03/2023/SA dated 15.09.2025, seeking mutation of the petitioners name in Webland records in respect of Sy. No. R.S. No. 195/3, to an extent of Ac. 5.00 cents, situated at Tadikalapudi Village, Kamavarapukota Mandal, West Godavari District (now Eluru District), as illegal, arbitrary, violative of the fundamental rights guaranteed under Articles 14, 19, and 300-A of the Constitution of India, and contrary to the express provisions of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 and consequently, set aside the proceedings issued by the 4th respondent vide Roc. 03/2023/SA dated 15.09.2025, and pass

IA NO: 1 OF 2025

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 Pleased to suspend the operation of the proceedings issued by the 4th respondent vide Roc. 03/2023/SA dated 15.09.2025, pending disposal of the Writ Petition, and grant such other interim relief as this Honble Court may deem fit and proper in the facts and circumstances of the case.

IA NO: 2 OF 2025

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 24-10-2025 passed in IA.No.1 of 2025 in WP.No.29129 of 2025

Counsel for the Petitioner:

1.TURAGA SAI SURYA

Counsel for the Respondent(S):

1.GP FOR REVENUE

2.CORPUS JURIS LAW PANEL LLP

The Court made the following:

THE HON'BLE SRI JUSTICE D RAMESH

WRIT PETITION No:16682 OF 2024

WRIT PETITION No:3241 OF 2025

WRIT PETITION No:29129 OF 2025

COMMON ORDER:

1. The petitioners in W.P. No. 16682 of 2024 and W.P. No. 3241 of 2025 are one and the same. The issues in these writ petitions are interconnected, and hence these matters are taken up together and disposed of by a common order.
2. In W.P. No.16682 of 2024, the petitioner challenges the Form-II notice under Rule 3 of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Rules 2007, dt.10.07.2025, issued by the 4th respondent/ the Tahsildar, Kamavarupu Kota Mandal, West Godavari District, whereby the petitioner was directed to show cause as to why he should not be summarily evicted from the said assigned under the patta dt.10.09.2007.
3. W.P. No. 3241 of 2025 has been filed questioning the orders, dated 26.07.2024, passed by the 3rd respondent, Revenue Divisional Officer, Jangareddygudem, West Godavari District, whereby the 4th respondent has cancelled the patta dt.10.09.2007 granted in favour of the petitioner.

4. W.P. No.29129 of 2025 has been filed aggrieved by the action of the 4th respondent in not considering the representation of the petitioner dt.17.02.2025 and in rejecting the claim of the petitioner, dt.15.09.2025 seeking mutation of her name in web land records in respect of Sy.No.R.S.No.195/3, to an extent of Ac.5.00 cents situated at Tadikalapudi Village, Kamavarapukota Mandal, West Godavari District (Now Eluru District).
5. The prime contention raised by the petitioner in W.P.No.16682 of 2024 and W.P. No.3241 of 2025 is that the initiation of proceedings under Section 4(1) of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 by issuing notice only in Form-II on 01.07.2024 by the 3rd respondent is contrary to the observations made by a Coordinate Bench of this Court in **Sudalagunta Sugars Ltd., v. Joint Collector, Chittoor and others**¹, and further, the notice issued by the 4th respondent lacks full particulars, which is also contrary to the observations in **Dasari Narayana Rao and others vs. Deputy Collector and Mandal Revenue Officer and others**². The learned counsel for the petitioner further submits that in these two judgments, this Court categorically held that the authorities must issue both Form-I and Form-II notices to the

¹ 2017(2) ALD 529

²

assignee as well as the purchaser as mandated by the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Rules 2007.

6. The learned counsel for the 5th respondent, as well as the learned Government Pleader for the official respondents, could not able to report the compliance of the aforesaid mandatory requirements.
7. In view of the same, the very initiation of proceedings by the 3rd respondent under Section 4(1) of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 is defective, and hence, there is no need to examine the merits of the case or the orders passed by the 3rd respondent.
8. Accordingly, W.P. No.16682 of 2024 and W.P. No.3241 of 2025 are allowed and the notice dated 01.07.2024 issued by the 4th respondent and the orders dated 26.07.2024 passed by the 3rd respondent are set aside, and the matter is remanded to the 4th respondent to initiate proceedings afresh by following the mandatory procedure contemplated under the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 and Rules. It is needless to say that the said exercise shall be completed as expeditiously as possible, preferably within three months from the date of receipt of a copy of this order.
9. In view of the orders in W.P. No.16682 of 2024 and W.P. No.3241 of 2025, no further orders are required to be passed in W.P.

No.29129 of 2025 and hence, the W.P. No.29129 of 2025 is closed.

10. Miscellaneous petitions, if any, pending in these writ petitions shall stand closed.

JUSTICE D.RAMESH

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