



IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
THURSDAY, THE TWENTY EIGHTH DAY OF DECEMBER,
TWO THOUSAND AND TWENTY THREE

:PRESENT:

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

IA No. 2 OF 2023

IN

WP NO: 33322 OF 2023

Between:

D.Anjineyulu, S/o. D.Akkulappa, Aged 38 years, Occ: Daily Agricultural Coolie, R/o. Chennarayanipalli Village, T.Sadum Post, PTM Mandal, Annamayya District.

...Petitioner

(Petitioner in WP 33322 OF 2023
on the file of High Court)

AND

1. The State of Andhra Pradesh, Rep by its Principal Secretary, Revenue Department, Secretariate Building, Velagapudi, Guntur District.
2. The District Collector, Rayachoti, Annamayya District
3. The Joint Collector, Rayachoti, Annamayya District
4. The Revenue Divisional Officer/Sub-Collector, Madanapalle, Annamayya District.
5. The Tahasildar, PTM(Peddatippasamudram) Mandal, Annamayya District.
6. P. Gayatri Reddy, D/o.P.S. Rarnakrishna Reddy, Aged about 69 years, Occ: Agriculture, R/o. Door No.32/A, 1st Phase, 2nd Main Road, Meenakshi Nagar, Baseveswar Nagar, Near Krishna Kalyana Mantap, Bangalore-560079 Karnataka State.

...Respondents

(Respondents in-do-)

Counsel for the Petitioner :

SRI Md.SALEEM

Counsel for the Respondent Nos.1 to 5:

GP FOR REVENUE

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 to direct the Respondents not to interfere in to the petitioner's possession and enjoyment of the agricultural land in an extent of Ac.2.07 Cents in Sy No.960-2A and an extent of Ac.0.80 Cents in Sy.No.961-2 of T.Sadum Village, PTM Mandal, Annamayya District (erstwhile Chittoor District) by duly suspending the order of the 3rd Respondent passed in Proceedings vide D.Dis(D2)/870/2022 dated 13-10-2022 as well directing to restore entries in the revenue records by mutating the name of the Petitioner, pending disposal of WP No.33322 of 2023, on the file of the High Court.

The court while directing issue of notice to the Respondents herein to show cause as to why this application should not be complied with, made the following order.(The receipt of this order will be deemed to be the receipt of notice in the case).

ORDER:

“Heard.

Sri Md.Salem, learned counsel for the petitioner in elaboration contended that the petitioner is the absolute owner of the subject property and pattadar and title deed passbooks were issued to the petitioner. Pursuant to the representation dated 01.09.2022 of the 6th respondent stating that the petitioner had obtained pattadar and title deed passbook fraudulently, the 2nd respondent directed the 3rd respondent to take action and call for a report from the 5th respondent. There upon, the revenue authorities issued notices dated 24.09.2022 to the petitioner and to the 6th respondent directing them to appear for enquiry/hearing on 01.10.2022 along with original records. The petitioner as per the said notice appeared before the 3rd respondent and requested time to engage counsel to defend his case. The 3rd respondent without giving time for engaging a counsel and without hearing the petitioner passed the impugned orders dated 13.10.2022 cancelling the pattadhar passbook issued in favour of the petitioner. As there is a clear violation of the principles of natural justice, the present Writ Petition has been filed.

He further contended that, the 6th respondent, basing on the impugned orders of the Joint Collector, now contemplating to alienate the said property to some third parties. He further submitted that, the petitioner has a good case to agitate before this Court in the present Writ Petition. In the meantime, if the 6th respondent alienates the subject property to some third parties by taking advantage of the orders impugned, it not only affects the rights of the petitioners but also the third parties interests come into play and prayed to pass appropriate orders protecting the interests of the petitioners.

On the other hand, learned Assistant Government Pleader for Revenue submitted that the petitioner having appeared before the Joint Collector, now cannot say that there is violation of principles of natural justice. However, a detailed counter is required to be filed and sought three (03) weeks time to file counter.

Perused the record.

Prima facie, a point has been made out for consideration wherein a detailed counter is required to be invited from the official respondents as well as from the 6th respondent.

As rightly pointed out by the learned counsel for the petitioner, in the meantime, if the 6th respondent alienates the subject property to some third parties, it not only affects the rights of the petitioner but also third parties interest comes into play. In these circumstances, this Court is inclined to pass the following order:-

"An order of *status-quo* shall be maintained as on today in all issues pursuant to the impugned orders dated 13.10.2022 D.Dis(D2)/870/2022, pending further orders."."

//TRUE COPY//

Sd/- SK. MD. RAFI
A ASSISTANT REGISTRAR

For A SECTION OFFICER
REGISTRAR

To,

1. The Principal Secretary, State of Andhra Pradesh, Revenue Department, Secretariat Building, Velagapudi, Guntur District.
2. The District Collector, Rayachoti, Annamayya District
3. The Joint Collector, Rayachoti, Annamayya District
4. The Revenue Divisional Officer/Sub-Collector, Madanapalle, Annamayya District.
5. The Tahasildar, PTM(Peddatippasamudram) Mandal, Annamayya District.
6. P. Gayatri Reddy, D/o.P.S. Rarnakrishna Reddy, R/o. Door No.32/A, 1st Phase, 2nd Main Road, Meenakshi Nagar, Baseveswar Nagar, Near Krishna Kalyana Mantap, Bangalore-560079 Karnataka State. (Addressee Nos.1 to 6 by RPAD- along with a copy of petition and affidavit)
7. One CC to Sri. Md.Saleem, Advocate [OPUC]
8. Two CCs to GP for Revenue, High Court of Andhra Pradesh. [OUT]
9. One spare copy

MM

HIGH COURT

RC,J

DATED:28/12/2023

NOTE: POST ON 24.01.2024

ORDER

IA.No.2 OF 2023
IN
WP.No.33322 of 2023

STATUS QUO

