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APHC010676132018



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

[3333]

WEDNESDAY, THE 1st DAY OF JULY 2026

PRESENT

THE HONOURABLE SMT JUSTICE V.SUJATHA

WRIT PETITION NO: 32686 of 2018

Between:

- 1.E. MUNSWAMY, S/O. KRISHNAIAH AGED ABOUT 32 YEARS, R/O. V.K.R.Y. COLONY, CHINNAPANDURU VILLAGE, VARDIAHPALEM MANDAL, CHITTOOR DISTRICT
- 2.E.BABU, S/O. KISTAIAH AGED ABOUT 47 YEARS R/O. V.K.R.Y. COLONY, CHINNAPANDURU VILLAGE, VARDIAHPALEM MANDAL, CHITTOOR DISTRICT

...PETITIONER(S)

AND

- 1.THE STATE OF ANDHRA PRADESH, REPRESENTED BY ITS PRINCIPAL SECRETARY, LAND ACQUISITION, A.P. SECRETARIAT, VELAGAPUDI, GUNTUR DISTRICT
- 2.THE DISTRICT COLLECTOR, CHITTOOR, CHITTOOR DISTRICT.
- 3.THE SUBCOLLECTOR, TIRUPATI, CHITTOOR DISTRICT
- 4.THE TAHSILDAR, VARDIAHPALEM MANDAL, CHITTOOR DISTRICT.
- 5.THE ANDHRA PRADESH INDUSTRIAL INFRASTRUCTURE CORPORATION, REP. BY ITS CHAIRMAN AND MANAGING DIRECTOR VIJAYAWADA, ANDHRA PRADESH.

...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 an appropriate Writ or Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondents in highhandedly trying to enter upon the lands of the 1st petitioner to an extent of Ac.1.00 cents in Sy.No.105-5 and the 2nd petitioner to an extent of Ac.1.16 cents in Sy.No.52-3 situated in Chinnapanduru Village, Vardaiahpalem Mandal, Chittoor District without acquiring the same as illegal, arbitrary, violative of Articles 14, 21 and 300A of the Constitution of India and the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 and consequently direct the Respondents to follow due process of law and pay compensation as per the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 if the lands of the Petitioners are required for any public purpose and to pass

IA NO: 1 OF 2018

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 direct the Respondents to ensure that no development activity is carried out on the lands of the 1st petitioner to an extent of Ac.1.00 cents in Sy.No.105-5 and the 2nd petitioner to an extent of Ac.1.16 cents in Sy.No.52-3 situated in Chinnapanduru Village, Vardaiahpalem Mandal, Chittoor District- pending disposal of the above writ petition and to pass

IA NO: 1 OF 2019

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 orders dated: 12.09.2018 passed in IA.NO. 1/2018 IN W.P.No.32686/2018 and dismiss the writ petition and pass

IA NO: 2 OF 2019

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 issue writ of mandamus declaring the proceedings in ROC.A/694(81)/2015,dated 25-05-2015 issued by the 4th respondent as illegal, arbitrary and violation of Article 14,21 and 300-A of the Constitution of India and also against the principal natural justice and set aside the same and

consequently direct the respondent to pay compensation to the 1st petitioner in respect of the lands in Sy.No.105-5 to an extent of Ac.1.00 cents situated in Chinnapanduru Village,Varadaiahpalem Mandal,Chittoor District in Accordance with the provisions of right to Fair Compensation and Transparency in land Acquisition, rehabilitation and resettlement Act,2013 and pass

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 vacate the interim order dated 12-09-2018 in IA 1/2018 in WP. 32686/2018 and pass

Counsel for the Petitioner(S):

- 1.V VINOD K REDDY

Counsel for the Respondent(S):

- 1.GP FOR ASSIGNMENT (AP)
- 2.GP FOR LAND ACQUISITION (AP)
- 3.RAMA CHANDRA RAO GURRAM

The Court made the following:

THE HONOURABLE SMT JUSTICE V.SUJATHA

WRIT PETITION NO: 32686 of 2018

ORDER:-

Initially this Writ Petition under Article 226 of the Constitution of India is filed for the following relief:

“to issue a writ or direction more particularly one in the nature of writ of Mandamus declaring the action of the Respondents in highhandedly trying to enter upon the lands of the 1st petitioner to an extent of Ac.1.00 cents in Sy.No.105-5 and the 2nd petitioner to an extent of Ac.1.16 cents in Sy.No.52-3 situated in Chinnapanduru Village, Vardaiahpalem Mandal, Chittoor District without acquiring the same as illegal, arbitrary, violative of Articles 14, 21 and 300A of the Constitution of India and the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act- 2013 and consequently direct the Respondents to follow due process of law and pay compensation as per the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 if the lands of the Petitioners are required for any public purpose and pass appropriate orders.”

2. The Petitioners are landless poor persons and belong to ST Community and are eking out their livelihood by doing daily labour. In recognition of their possession, the Government of Andhra Pradesh has granted DKT Patta to the Petitioner No.1 to an extent of Ac.1.00 cents in Sy.No.105/5, like wise to the mother of the Petitioner No.2 to an extent of Ac. 1.16 cents in Sy.No.52/3 of Chinnapanduru Village, Vardaiahpalem Mandal, Chittoor District. After demise of his mother the said property devolved upon the Petitioner No.2. The Revenue Authorities have issued Pattadar Pass Books in the name of assignees and their names got mutated in all revenue records.

3. While the matter stood thus, when the Respondents are trying to interfere with the peaceful possession of the subject land without any notice or order are illegal and arbitrary. In the event the government acquired the lands of the Petitioners for any public purpose, the same have to acquire from the Petitioners by following due process of law and the Petitioners are entitled to compensation as per the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act-2013. Hence, the present Writ Petition came to be filed.

4. Subsequently, the petitioners having come to know that respondent No.4 vide proceedings in ROC.A/694(81)/2015 dated 25.05.2015 has cancelled the assignment patta granted in favour of the petitioners for violation of D-Form conditions, the petitioner filed an application seeking amendment of prayer, on such application, the prayer was amended, which is as follows:

“To issue writ of mandamus declaring the proceedings in ROC.A/694(81)/2015, dated 25.05.2015 issued by the 4th respondent as illegal, arbitrary and violation of Article 14, 21 and 300-A of the Constitution of India and also against the principles of natural justice and to set aside the same and consequently direct the respondents to pay compensation to the 1st petitioner in respect of the lands in Sy.No.105-5 to an extent of Ac.1.00 cents situated in Chinnapanduru Village, Varadaiahpalem Mandal, Chittoor District in accordance with the provisions of Right to Fair Compensation and Transparency in land Acquisition, Rehabilitation and Resettlement Act, 2013 and pass.....”

5. When the Writ Petition came up for admission on 12.08.2019, this Court passed the interim order in I.A.No.1 of 2018 which reads as follows:-

“Admittedly, the subject land is a private land of the petitioners as can be seen from the pattadar pass books and revenue records filed by the petitioners. Therefore, without acquiring the same by following the procedure under Act 30 of

2013 and paying the market value compensation and other benefits thereunder, respondents shall not interfere with the possession and enjoyment of the petitioners over the subject land or carry out any development activity therein.”

6. *Per contra*, the Respondent No.4 has filed Counter-Affidavit by duly stating that both the Petitioners herein have violated the conditions of D-Form Patta, which was cancelled by resuming the land by the Government under due process of law i.e issued notice to assignee on 02.05.20215 by calling explanation as to why the assignment should not be cancelled for violation of assignment conditions No.1 to 3. An enquiry was conducted to find out the whereabouts of the Petitioner No.1 and as his whereabouts are not known, the same was made substitute service by way of affixing the notice to the wooden pole erected in the subject land as the assignee was not residing in the village. As no explanation has been received within stipulated time, the assigned land in Sy.No.105/5 to an extent of Ac. 1.00 cents was cancelled and resumed the land by the government, vide proceedings dated 25.05.2015 issued by the Tahsildar.

7. With regard to Petitioner No.2, it is submitted that after death of original assignee, the land resumption notice and cancellation orders were issued in the name of Mrs. E.Munemma i.e the wife of assignee. Hence at the time of enquiry, it came to the notice that the said Mrs. E.Munemma also died and the land is in possession and enjoyment of Mrs. E.Manjula, wife of the Petitioner No.2. Hence, ex-gratia was sanctioned to the Petitioner No.2, vide proceedings dated 24.06.2016 and paid by way of NEFT/ ANDBN

18225117610 to the Bank Account of Sapthagiri Grameena Bank, Chinnapanduru, vide Bank Account no. 94376994.

8. Learned counsel for the Petitioners contended that on coming to know that Respondent No.4 has already cancelled the assignment granted in favour of the original assignees and resumed the land vide proceedings, dated 25.05.2015, therefore, the Petitioners have filed an amendment petition seeking amendment of prayer declaring the proceedings in ROC.A/694(81)/2015, dated 25.05.2015 issued by the Respondent No.4 as illegal and arbitrary and to set aside the same and consequently direct the Respondents to pay compensation to the Petitioner No.1 in respect of the land in Sy.No.105/5 to an extent of Ac. 1.00 cents situated in Chinnapanduru Village, Varadaiahpalem Mandal, Chittoor District in accordance with the provisions of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act-2013. The said amendment was carried out as per orders of this Court dated 21.12.2021 in I.A.No.2 of 2019.

9. Heard learned counsel for the Petitioners as well as learned Assistant Government Pleader Revenue for the Respondents.

10. Though, it is the case of the Respondents that notice was issued on 02.05.2015 to the petitioners before issuance of impugned proceedings, dated 25.05.2015 cancelling the DKT patta granted in favour of the original assignee and resumed the land. However, on perusal of the impugned proceedings, it

can be observed that no such notice, dated 02.05.2015 was referred, on the other hand, the subject of the impugned notice is as follows:

*“Sub: Assigned land – Chittoor District – Varadaiahpalem Mandal – Chinnapandur Village – Sy.No.105/5 – Ac.1.00 – Sri E.Munaswamy, S/o. Krishnaiah – granted assigned land – **violation of D-form conditions – cancellation of assignment patta** – Orders Issued.”*

11. Further, the operative portion of the impugned proceedings dated 25.05.2015 is as follows:

“I request you to give your explanation within 7 days from the receipt of the notice from this office. In case you don't submit any explanation within time stipulated the Darakasthu Patta shall be cancelled, it shall be deemed that you have no objection with regard to the same and the Government shall take possession of the cancelled patta.”

12. The operative portion of the impugned proceedings, dated 25.05.2015 is contrary to the subject mentioned therein, as such this Court is of the opinion that the impugned proceedings of the Tahsildar, dated 25.05.2015 are nothing but issuance of show-cause notice calling for explanation from the petitioners within 7 days from the date of receipt of the notice, but not cancellation orders.

13. In view of the foregoing discussion, as there are various discrepancies in the impugned proceedings dated 25.05.2015, the same are liable to be set aside.

14. It is contended by learned counsel for the Petitioners that the Petitioner No.2 do not claim any relief as she received ex-gratia from the government, the Writ Petition is dismissed in respect of Petitioner No.2.

15. Accordingly, the Writ Petition is allowed in respect of the Petitioner No.1, setting aside the impugned proceedings dated 25.05.2015 issued by the Respondent No.4. There shall be no order as to costs.

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

JUSTICE V.SUJATHA

Date: 01.07.2026

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Whether the order is :

Speaking Yes/No / Reasoned Yes/No

Reportable Yes/No / Non-Reportable Yes/No