

APHC010734862012



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

[3457]

TUESDAY, THE SECOND DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE HARINATH.N

WRIT PETITION Nos.27909 of 2012, 10324 of 2020 and 10653 of 2020

WP.No.27909 of 2012

Between:

Botta Appalaswamy, Visakhapatnam

...PETITIONER

AND

Special Deputy Collector Visakhapatnam 3 Ot and Others

...RESPONDENT(S)

Counsel for the Petitioner:

1.P RAJKUMAR

Counsel for the Respondent(S):

1.GP FOR REVENUE

WP.No.10324 of 2020

Between:

Botta Appala Swamy

...PETITIONER

AND

State Of Andhra Pradesh and Others

...RESPONDENT(S)

Counsel for the Petitioner:

1.P RAJKUMAR

Counsel for the Respondent(S):

1.GP FOR REVENUE

2.M BALASUBRAHMANYAM

WP.No.10653 of 2020

Between:

Botta Appala Swamy

...PETITIONER

AND

State Of Andhra Pradesh and Others

...RESPONDENT(S)

Counsel for the Petitioner:

1.P RAJKUMAR

Counsel for the Respondent(S):

1.KILARU NITHIN KRISHNA

2.GP FOR HOME

3.GP FOR LAND ACQUISITION

4.GP FOR REVENUE

5.A S C BOSE (SC FOR MUNICIPAL CORPORATIONS AP)

6.M BALASUBRAHMANYAM

7.GP FOR MUNICIPAL ADMN URBAN DEV

The Court made the following Common Order :

Reserved on	: 30.10.2025
Pronounced on	: 02.12.2025
Uploaded on	: 02.12.2025

THE HONOURABLE SRI JUSTICE HARINATH.N**WRIT PETITION Nos.27909 of 2012, 10324 of 2020 and 10653 of 2020****COMMON ORDER:-**

1. The petitioner has filed WP.No.27909 of 2012 seeking a direction to declare proceedings No.RC.1921/2011/E1, dated 21.08.2012 issued by the 2nd respondent in cancelling the allotment of plot No.460 of Vadlapudi RHC, Visakhapatnam as arbitrary, illegal and violative of Article 14, 16 and 21 of the Constitution of India.
2. The petitioner has filed WP.No.10324 of 2020 seeking a direction to declare RC.No.18/2015-R1/Dt.22.09.2017 passed by the 3rd respondent in cancelling the house site patta granted to the petitioner's vendor and consequential proceedings in RC.No.489/2018/8A/Dt.02.02.2019 passed by the 4th respondent in allotting Plot No.460 of Vadlapudi RH Colony, Sector 1, Gajuwaka, Visakhapatnam in favour of the 6th respondent.
3. The petitioner has filed WP.No.10653 of 2020 seeking a direction to declare the building permit No.1086/1156/B/25/VDI/2020, dated 09.05.2020 granted by the 6th respondent in favour of the 8th respondent unmindful of the interim directions passed in WP.No.27909 of 2012.
4. In these three writ petitions the petitioner claims ownership and title over the plot No.460, admeasuring 107 square yards by virtue of a registered sale deed dated 28.09.2010 registered on 16.11.2010. The petitioner is in possession and enjoyment of the said property, ever since purchase of the same.

5. It is submitted that some third parties without any valid documents started harassing the petitioner claiming ownership over the plot No.460 and also filed a complaint before Gajuwaka Police Station. It is submitted that the police sought information from the Special Deputy Collector vide letter dated 31.12.2011 and the Special Deputy Collector vide letter dated 09.01.2012 categorically made it clear that the documents submitted by the third parties were fabricated. As the third parties could not get any desired result from the Police Station, they had approached the Special Deputy Collector and the Tahsildar and got issued a show cause notice dated 20.06.2012.
6. The Joint Collector, Visakhapatnam called upon the vendor of the petitioner to submit a reply with regard to the pattas granted irregularly during January, 2011 to May, 2011. The notice was issued to the 2nd petitioner. It is submitted that the show cause notice would refer to the 2nd petitioner as son of Sanyasi Rao and refers to Plot No.14 and calls upon the 2nd petitioner to submit an explanation on the alleged irregular allotment.
7. It is submitted that the petitioner submitted a detailed reply, however, the impugned proceedings dated 21.08.2012 would cancel the allotment of Plot No.460 to the 2nd petitioner without reference to any of the contentions raised by the petitioner. It is submitted that in the show cause notice the 2nd petitioner's father is shown as Sanyasi, R.Card details as 162 and details of House Plot granted as Plot No.14.

However, the impugned proceedings would mention the 2nd petitioner's father name as Sanyasi, R.Card Number as 14 and Plot Number as 460. This Court granted interim orders as prayed for on 01.10.2012. It is submitted that the petitioner has been in possession and enjoyment of the property. However, on account of the claim by the respondent No.6 in WP.No.10324 of 2020, the petitioner is unable to proceed further in developing the said plot.

8. The 6th respondent has filed a counter in WP.No.10324 of 2020 and it is stated that one Tinala Appala Swamy @ Appanna, S/o.Kisthamma is the paternal grandfather of the 6th respondent and that Tinala Appala Swamy had land and house in Sy.No.45/12. The said land was acquired in the year 1982 by the Government for establishing and expanding Steel Plant. It is submitted that the 6th respondent's grandfather was rehabilitated and rehabilitation card No.162 was issued and plot No.460.
9. It is also stated that after demise of the 6th respondent's grandfather the property devolved on his three sons Tinala Somi Naidu, father of the 6th respondent and Tinala Tata Rao, father of the 6th respondent and Tinala Onumulu. It is also stated that all the paternal uncles and their children and brothers of the 6th respondent executed unregistered settlement deed and gave up all their rights and claim over plot No.460 in favour of the 6th respondent.
10. It is also stated that the 6th respondent was paying vacant land tax and also applied for a building permission which was duly approved vide

permit No.1086/1152/BZ5/VDI/2020, dated 09.05.2020. It is also stated that the petitioner started claiming ownership over plot No.460. Thereafter, the 6th respondent submitted a complaint to the 2nd respondent and after a detailed enquiry, the 2nd respondent cancelled allotment of the vendor of the petitioner. It is also submitted that the petitioner has deliberately not made the 6th respondent a party respondent in WP.No.27909 of 2012.

- 11.It is submitted that the 3rd respondent passed orders dated 22.09.2017 cancelling the allotment of Plot No.460 in favour of the vendor of the petitioner, as such, the petitioner cannot claim any better title over the property for which the vendor of the petitioner has no title.
- 12.It is submitted that the petitioner's claim over the said property is based on the sale deed executed by the vendor of the petitioner. However, such sale deed would have to be considered as a sham transaction as the title document issued to the vendor of the petitioner was cancelled by the respondent authorities on account of finding of the irregular allotment.
- 13.All the writ petitions can be disposed off by a common order as the issue involved in all the writ petitions is with respect to Plot No.460,Vadlapudi RHC, Visakhapatnam and the prayers in the writ petitions revolve around the allotment of the said plot, cancellation of allotment of the said plot and subsequent events arising out of the allotment of the said plot.

14. Heard the learned counsel for the petitioner, the learned counsel for respondents and also the learned Government Pleader for Land Acquisition. Perused the material on record.
15. The letter addressed by P.Chiranjeevi, Spl.Gr.Deputy Collector (LA) Steel Plant, Visakhapatnam to the Station House Officer, Gajuwaka Police Station dated 09.01.2012 amply clarifies that the claim set up by Tinala Somu Naidu is fake and fabricated. The endorsement dated 19.07.2011 issued by the Spl.Gr.Deputy Collector (LA) Steel Plant, Visakhapatnam confirms the allotment of plot No.460 in favour of the vendor of the petitioner.
16. This Court while disposing WP.No.30845, 30929 of 2012 set aside the orders cancelling the patta certificates and the impugned proceedings were set aside. This Court left it open for the respondents to conduct a fresh enquiry. Fresh enquiry was conducted and vide proceedings dated 22.09.2017 the patta for plot No.460 issued to the petitioner's vendor was cancelled. The said proceedings are challenged in WP.No.10324 of 2020.
17. The 6th respondent was issued a patta after cancellation of the patta certificate of the vendor of the petitioner vide proceedings dated 02.02.2019. These proceedings are also sought to be cancelled in the writ petition.
18. The proceedings dated 22.09.2017 and 02.02.2019 are certainly passed unmindful of the interim directions issued by this Court in WP.No.27909 of 2012. It is not explained as to what prevented the respondent No.6 in WP.No.10324 of 2020 in impleading himself in WP.No.27909 of 2012.

19. The official respondents have goofed up the issue without there being any explanation for issuing notice to Karanam Madhusudhana Rao, S/o.Simhadri and referring to Plot No.14. The counter filed by the respondent Nos.2 to 5 in WP.No.10653 of 2020 clarifies the stand of the petitioner, however, there is no explanation in the counter as to why a notice was issued to the Karanam Madhu Sudhana Rao, S/o.Simhadri and referred to plot No.14, however, finally cancelled the allotment of plot No.460 in favour of Karanam Madhu Sudhana Rao. The Steel Plant-Rehabilitation Identity card is issued in the name of Karanam Simhadri and when there is a document showing rehabilitation identity card in favour of the father of vendor of the father of petitioner. There cannot be a much better explanation from the petitioner to prove the claim. The vendor of the petitioner was married major as on the date of allotment of plot. He was aged about 2 years in the year 1982 and the date of allotment to Karanam Madhusudhana Rao was 06.03.2008 by then he was married major.
20. There is no ambiguity in holding that the allotment of the Plot in favour of Karanam Madhusudhana Rao, S/o.Simhadri as justified and allotted in pursuance of the rehabilitation package.
21. No document is placed before this Court by the 6th respondent Tinala Narayana Rao or anyone claiming on his behalf to consider their case on par with the petitioner's vendor for making them eligible for allotment of a plot under the rehabilitation scheme.
22. On the facts of these cases, the impugned proceedings in the writ petition Nos.27909 of 2012 deserve to be set aside and impugned proceedings in

WP.Nos.10324 and 10653 of 2020 also deserve to be set aside as the impugned proceedings therein are passed while the interim orders in WP.No.27909 of 2012 were subsisting.

23. Accordingly, the writ petitions are allowed without costs.

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

JUSTICE HARINATH.N

Dated 02.12.2025
KGM

THE HONOURABLE SRI JUSTICE HARINATH.N

WRIT PETITION Nos. 27909 of 2012, 10324 of 2020 and 10653 of 2020

Dated 02.12.2025

KGM