



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

WEDNESDAY, THE THIRD DAY OF DECEMBER  
TWO THOUSAND AND TWENTY FIVE

**PRESENT  
THE HONOURABLE SRI JUSTICE NINALA JAYASURYA**

**WRIT PETITION No.37105 OF 2018**

**Between:**

Smt.Atharu Ansari, W/o.Jakeer Hussain, 33 years, r/o. H.No. 28/1080A, R.S.Road, Goods shed, Nunepalli village, Nandyal Mandal, Kurnool District, and others.

**...Petitioners**

**AND**

1. The State of Andhra Pradesh, Rep. by its Principal Secretary, Revenue Department, Secretariat Buildings, Velagapudi, Amaravathi, Guntur District, and others

**...Respondents**

**Counsel for the Petitioners : Mr.Syed Kaleemulla**

**Counsel for the Respondents: G.P. for Revenue**

**The Court made the following ORDER:**

The present writ petition is filed seeking the following relief:

For the reasons stated in the accompanying affidavit, it is hereby prayed that this Hon'ble Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature Writ of Mandamus declaring the action of the 3rd & 4th respondents in resorting to assign/allot the Petitioners' house site plots Nos.165, 64 & 56, respectively in Sy. No.280 of Nunepalli village, Nandyal Mandal, Kurnool District to third parties, though pattas granted in favour of the petitioners by the then 4th respondent Tahsildar in R.Dis.No.490/2008 dated 05.05.2008 are subsisting and were also identified under the NTR

Housing Scheme for subsidy, only by succumbing to political pressures in flagrant disregard to law, as being illegal, arbitrary and is in violation of Articles 14, 21 and 300-A of the Constitution of India and consequently direct the respondents not to interfere with the peaceful possession and enjoyment of the petitioners over the aforesaid plots by dispossession or otherwise, and pass such other order or orders as are deemed fit and proper in the circumstances of the case and in the interest of justice.

2. The learned counsel for the petitioners made submissions, *inter alia* to the effect that the petitioners are Below Poverty Line people and taking their eligibility into consideration they were granted D-Form pattas in respect of Plot Nos.165, 64 and 56 in Survey No.280 of Nunepalli Village on 05.5.2008. He submits that the petitioners have raised constructions upto basement level and due to their poor economic conditions, they could not complete the constructions. He further submits that due to political reasons, the respondent authorities have been taking steps to allot the subject matter plots to third parties that too without cancelling the allotments made in favour of the petitioners and therefore, the present writ petition is filed.

3. On the other hand, Mr.K.Arjun Chowdary, learned Assistant Government Pleader for Revenue, on the basis of the averments made in the counter affidavit filed by respondent No.4 argued the matter. Drawing the attention of this Court to the material filed along with the counter affidavit, notices dated 10.10.2017 etc., and the proceedings of the respondent No.3 dated 27.10.2017, he submits that as the petitioners have not complied with D-Form patta conditions, the assignments in favour of the petitioners were cancelled. He submits that after cancellation, the possession of the house-sites was taken over and pattas were issued to eligible persons, vide Proceedings dated 01.4.2018. He

submits that the petitioners instead of challenging the cancellation proceedings, filed the present writ petition and the same is, therefore, not maintainable. He submits that the petitioners did not choose to file any reply affidavit denying the counter averments and the same are, therefore, deemed to have been admitted. Be that as it may. He also submits that if the petitioners make any fresh applications, the concerned Authorities would examine the same and allot house-sites subject to their eligibility.

4. Considered the submissions made by the learned counsel for both sides. The learned counsel for the petitioners apart from the above submissions states that the petitioners are in possession of the subject matter plots. As rightly pointed out by the learned Assistant Government Pleader though the counter affidavit was filed on 31.12.2018, the petitioners did not choose to file reply affidavit denying the specific assertions made in the counter, more particularly that the possession of the house plots was taken over by the Tahsildar, Nunepalli and house sites were issued to eligible beneficiaries, vide Proceedings dated 01.4.2018. In view of the same, the submission that the petitioners are not in possession of the subject matter plots cannot be appreciated. Be that as it may.

5. As the learned Assistant Government Pleader submits that if the petitioners make any fresh applications, the respondent authorities would take necessary action, the learned counsel for the petitioners states that the petitioners would make applications afresh.

6. Therefore, instead of examining the matter further, the writ petition is disposed of, leaving it open to the petitioners to make fresh applications to the concerned Tahsildar. On receipt of the applications, if

any, necessary action for assignment/allotment of house plots as per their eligibility shall be taken. No order as to costs. Miscellaneous petitions pending, if any, shall stand closed.

December 03, 2025  
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**NINALA JAYASURYA,J**