APHC010995692018

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3333]**
(Special Original Jurisdiction)

MONDAY, THE FIFTEENTH DAY OF JUNE
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SMT JUSTICE V.SUJATHA

WRIT PETITION NO: 48097/2018

Between:

1. G. MUNIKRISHNAIAH, S/O. PEDDA VENKATAIAH, AGED ABOUT 40 YEARS R/O. CHENGAMBAKAM VILLAGE, SATYAVEDU MANDAL CHITTOOR DISTRICT
2. G. JAGANNADHAM, S/O. CHINNA VENKATAIAH, AGED ABOUT 35 YEARS R/O. SIDDAMAGRAHARAM VILLAGE, VARADAIAHPALEM MANDAL CHITTOOR DISTRICT

...PETITIONER(S)

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY REVENUE DEPARTMENT (ASSIGNMENT) SECRETARIAT, VELAGAPUDI, AMRAVATHI
2. THE JOINT COLLECTOR, CHITTOOR DISTRICT, CHITTOOR
3. THE TAHSILDAR, SATYAVEDU MANDAL, SATYAVEDU CHITTOOR 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 toto issue an appropriate Writ, Order, Direction more particularly one the nature of Writ of Mandamus declaring the Notices issued by the 3rd respondent under Roc A/60/2012, dated 28.11.2018 to the petitioners as being illegal, arbitrary, violative of Articles 14, 21 and 300-A of the Constitution of India and violative of principles of natural justice and the A.P. Revenue

Recovery Act, 1864 and consequently set aside the same and to pass such other order or orders as this Honourable Court deems fit and proper in the circumstances of the case. 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 suspend the operation of Notices issued by the 3rd respondent under Roc A/60/2012, dated 28.11.2018 pending disposal of the Writ Petition and 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 extend the interim order dated 31-12-2018 granted in WP .No. 48097 of 2018,and pass such other order or orders may deem fit and proper in the circumstance of the case, pending disposal of the Writ petition and pass

Counsel for the Petitioner(S):

1. G R SUDHAKAR

Counsel for the Respondent(S):

1. GP FOR REVENUE (AP)

The Court made the following:

ORDER:

This writ petition is filed under Article 226 of the Constitution of India seeking the following relief:-

> *"….to issue an appropriate Writ, Order, Direction more particularly one the nature of Writ of Mandamus declaring the Notices issued by the 3rd respondent under Roc A/60/2012, dated 28.11.2018 to the petitioners as being illegal, arbitrary, violative of Articles 14, 21 and 300-A of the Constitution of India and violative of principles of natural justice and the A.P. Revenue Recovery Act, 1864 and consequently set aside the same and to pass such other order or orders as this Hon'ble Court deems fit and proper in the circumstances of the case…."*

2. The case of the petitioners is that the father of the 2nd petitioner, late Sri Chinna Venkatapaiah, was assigned land admeasuring Ac.4.00 cents in Sy.No.22/1 of Chengambakam Village, Satyavedu Mandal, Chittoor District, in the year 1978. After the demise of the said Chinna Venkatapaiah, the mother of the 2nd petitioner was shown as the owner and possessor of the subject property in the revenue records. Thereafter, the petitioners came into possession of the said land and were cultivating the same. While so, when the said land was required for the establishment of an industrial park, it was resumed by the Government in the year 2007. At the time of such resumption, as the petitioners were in possession of the property, the Revenue Department recognized their rights and granted compensation of Rs.5,00,000/- to them towards resumption of the land, which amount was received by them in the year 2007. However, the 3rd respondent issued the

impugned notices in Roc.A/60/2012, dated 28.11.2018, purportedly exercising powers under Section 7 of the A.P. Revenue Recovery Act, 1864, informing the petitioners that if the amount due was not paid within fifteen days, the distrained property would be brought to sale. Challenging the said proceedings, the present Writ Petition has been filed.

3. On 31.12.2018, when the matter came up for admission, this Court passed an interim order suspending the operation of the impugned notices issued by the 3rd respondent under Roc.A/60/2012, dated 28.11.2018.

4. Today, when the matter came up for hearing, learned counsel for the petitioners brought to the notice of this Court the common judgment dated 27.01.2022 passed by the Hon'ble Division Bench of this Court in Writ Appeal Nos.54 and 56 of 2019, which were filed challenging the order passed in W.P.No.3102 of 2012. The said writ petition was filed by one G.Venkatamma, who claims to be the owner of the property in respect of which the present impugned notices were issued. The learned counsel for the petitioners herein submitted that the matter has been settled among the family members and, therefore, the said Venkatamma, being the absolute owner of the property, does not wish to avail the benefit under the order passed in the said writ petition and therefore, recording the same, the order passed in W.P.No.3102 of 2012 was set aside and the said writ petition was dismissed as withdrawn; consequently the writ appeals were also closed.

5. As the matter has been settled among the family members out of Court, which formed the subject matter of Writ Appeal Nos.54 and 56 of 2019, this Court is of the opinion that the notices issued by the 3rd respondent pursuant to the order passed in W.P.No.3102 of 2012 are liable to be set aside.

6. Recording the same, this Writ Petition is allowed by setting aside the impugned notices in Roc.A/60/2012, dated 28.11.2018 issued by the 3rd respondent. There shall be no order as to costs.

As a sequel, Interlocutory Applications pending, if any, in this Writ Petition, shall stand closed.

JUSTICE V.SUJATHA

Dated 15.06.2026
KGR