

APHC010389062023



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

[3328]

WEDNESDAY ,THE TWENTIETH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

**THE HONOURABLE SRI JUSTICE GANNAMANENI RAMAKRISHNA
PRASAD**

WRIT PETITION NO: 19915 OF 2023

Between:

1.P. DURGA SAI, A/S/O VENKATESWARLU AGED 25 YEARS, OCC-
UNEMPLOYEE, R/O. 5-84, OBULASETTIVARI VEEDHI, PODILI,
PRAKSAM DISTRICT.

...PETITIONER

AND

1. STATE OF ANDHRA PRADESH, REP BY ITS PRINCIPAL
SECRETARY, REVENUE DEPARTMENT, SECRETARIAT,
VELAGAPUDI, GUNTUR.
2. COLLECTOR AND DISTRICT MAGISTRATE, PRAKASAM DISTRICT
AT ONGOLE.
3. REVENUE DIVISIONAL OFFICER, KANIGIRI DIVISOIN, PRAKASAM
DIST.,
4. TAHSILDAR, PODILI MANDAL, PODILI, PRAKASAM DISTRICT.
5. PODILI THIRUPATHAMMA, D/O. YOGAMMA, AGED 34 YEARS,
OCC- EMPLOYEE, R/O. OBULASETTIVARI VEEDHI, PODILI,
PRAKSAM DISTRICT.
6. SMT PODILI SRIDEVI, D/O. RANGANAYAKULU, AGED 40 YEARS,
OCC- HOUSE WIFE, R/O. OBULASETTIVARI VEEDHI, PODILI,
PRAKSAM DISTRICT.
7. SMT PODILI SRILAKSHMI, D/O. RANGANAYAKULU, AGED 36

YEARS, OCC- HOUSE WIFE, R/O. OBULASETTIVARI VEEDHI, PODILI, PRAKSAM DISTRICT.

8. SMT PODILI PADMAJA, D/O. RANGANAYAKULU, AGED 34 YEARS, OCC- HOUSE WIFE, R/O. OBULASETTIVARI VEEDHI, PODILI, PRAKSAM DISTRICT.
9. SMT POIDILI RAMANAMMA, D/O. NARASIAH, AGED 42 YEARS, OCC- HOUSE WIFE, R/O. OBULASETTIVARI VEEDHI, PODILI, PRAKSAM DISTRICT.
10. PODILI SRI SRINU, S/O NARASIAH, AGED 40 YEARS, OCC- BUSINESS, R/ O. OBULASETTIVARI VEEDHI, PODILI, PRAKSAM DISTRICT.
11. SMT PODILI RANGANAMA, D/O. NARASIAH, AGED 38 YEARS, OCC- HOUSE WIFE, R/O. OBULASETTIVARI VEEDHI, PODILI, PRAKSAM DISTRICT.
12. SMT MARELLA SRIDEVI, W/O. NOT KNOWN AGED 45 YEARS, OCC- DIRECTOR, A.P. RAJAKA WELFARE DEVELOPMENT CORPORATION, R/O. 35-3-69/87, CRP QUARTERS DOWN, ONGOLE 523 001.

...RESPONDENT(S):

Counsel for the Petitioner:

1. SRINIVASULU KURRA

Counsel for the Respondent(S):

1. SRIDHAR TUMMALAPUDI
2. GP FOR REVENUE

The Court made the following ORAL ORDER:

Heard Sri Srinivasulu Kurra, learned Counsel for the Writ Petitioner, Sri Arjun Chowdary, learned Asst. Government Pleader for Revenue and Sri S. Kartheek, learned Counsel appearing on behalf of Sri Sridhar Thummalapudi, learned Counsel for the Respondent Nos. 5 to 9 and 11.

2. Learned Counsel appearing for the Writ Petitioner submits that one Smt. Podili Anjamma is a Widow. She has been working as a Regular employee in the Office of Revenue Divisional Officer, Kandukur as an Attender. She has adopted the Writ Petitioner in the year 2007 and had executed a registered Adoption Deed on 29.02.2012 (Ex.P.2). Learned Counsel for the Writ Petitioner would also submit that Smt. Podili Anjamma has nominated the Writ Petitioner as 100% nominee in her Service Records available in the office of the Revenue Divisional Officer, Kandukur (Ex.P.1). In the said document, which is at page 13 of the Paper book, in Sl.No.13, it has been clearly mentioned with regard to the relationship between the employee (mother of the Writ Petitioner) and the Writ Petitioner as 'Nephew'. In Sl.No.17, It is indicated that the Writ Petitioner has been nominated as 100% nominee. This is regarding the admission to General Provident Fund (GPF).

3. The Writ Petitioner has made an Application to the Tahsildar (Respondent No.4) for issuance of 'Family Member Certificate' in order to enable him to apply for a job under the 'Compassionate Appointment Scheme'. Learned Counsel for the Writ Petitioner would submit that vide Letter dated: 06.02.2022, the brothers' children of the late husband of Smt. Podili Anjamma had addressed a Letter to the Tahsildar (Ex.P.4) stating that, the Writ Petitioner is not entitled for the Family Member Certificate.

4. The said Family Members are arrayed as Respondent Nos. 5 to 12 in this Writ Petition. All the Respondents were served with the notice in this Writ Petition. The Respondent Nos. 5 to 9 and 11 are represented by Sri

S.Kartheek, learned Counsel appearing on behalf of Sri Sridhar Thummalapudi, learned Counsel. There is no representation for Respondent Nos. 10 and 12, despite service.

5. In response to the objection raised by the Unofficial Respondents vide Letter dated: 06.02.2022 (Ex.P.4), the Tahsildar has issued Proceedings dated: 13.02.2023 stating that in view of the disputes between the parties, the parties were directed to approach the Civil Court.

6. It transpires from record that the Writ Petitioner was adopted in the year 2007 by late Smt. Podili Anjamma and the same was reduced into the Registered Adoption Deed on 29.02.2012 (Ex.P.2). The Writ Petitioner was shown as 100% nominee for receiving the pension, and the GPF benefits in the service records relating to the deceased Smt. Podili Anjamma. None of the Proceedings have ever been challenged by the Unofficial Respondents herein. Even with regard to the Registered Adoption Deed dated: 29.02.2012 (Ex.P.2), there has not been any challenge by any of the family members including the Unofficial Respondents herein. The Counter-Affidavit filed by the Tahsildar (Respondent No.4) would indicate that the parties were directed to approach the Civil Court, since there is a dispute with regard to the genuineness of the claim of the Writ Petitioner as a family member.

7. The Unofficial Respondents have also filed Counter-Affidavit. It is the contention of the learned Counsel for the Unofficial Respondents that the Writ Petitioner is not a family member of the deceased Smt. Podili Anjamma

and that the Writ Petitioner has not changed his surname. It is the matter of record that the Writ Petitioner has been legally adopted by late Smt. Podili Anjamma. She has also nominated the Writ Petitioner as 100% nominee to receive her benefits of GPF. The relationship is also mentioned to the extent that the Writ Petitioner is the 'Nephew' of the deceased Smt. Podili Anjamma. He is the son of the brother of deceased Smt. Podili Anjamma. Therefore, it cannot be said that the Writ Petitioner is a stranger.

8. The reliance placed by the Writ Petitioner on the registered Adoption Deed had not been challenged by anyone so far. It is a registered Adoption Deed and this Court can draw an inference that the 'preponderance of probabilities' lies in favour of the Writ Petitioner inasmuch as the Adoption Deed was not subject to any challenge even after the demise of Smt. Podili Anjamma. In that view of the matter, when there is a registered document indicating the adoption of the Writ Petitioner and also that the Writ Petitioner was shown as a nominee for the benefit of GPF, there was no occasion on the part of the Tahsildar to have rejected the claim of the Writ Petitioner nor to relegate the parties to the Civil Court.

9. Learned Counsel for the Writ Petitioner has placed reliance of the Judgment of this Court in **Kollu (Rajana), Jyothi Vs. The State of Andhra Pradesh and four others; (in W.P.No.646 of 2022, dated: 05.01.2023)** to indicate that, an objection can be raised only by the family members, but not by the outsiders. This contention of the Writ Petitioner may not find favour by this Court inasmuch as the objector to the issuance of Family Members

Certificate is not an outsider inasmuch as they are objectors or the Nephews of the husband of the deceased mother of the Writ Petitioner.

10. In this view of the matter, the Mandal Revenue Officer, who is the Mandal Executive Magistrate ought to have applied his mind on these facts to hold that the Application of the Writ Petitioner deserves consideration, keeping in mind that the registered Adoption Deed, dated: 29.02.2012 (Ex.P.2) remains unchallenged. This apart, the Adoption Deed was registered by Smt. Podili Anjamma after the demise of her husband and that she has nominated her brother's son as a nominee, apart from adopting him.

11. In the above premise, this Writ Petition stands allowed. No order as to costs. Respondent No.4 is directed to consider the Application of the Writ Petitioner notwithstanding the complainant made by the Unofficial Respondents vide Letter dated: 06.02.2022 (Ex.P.4) and pass appropriate Proceedings in accordance with law, within a period of four weeks from today. Writ Petitioner is directed to submit a copy of this Order to the Tahsildar, Podili Mandal (Respondent No.4) within one week from today for effective compliance.

12. Interlocutory Applications, if any, stand closed in terms of this order.

GANNAMANENI RAMAKRISHNA PRASAD, J

Dt: 21.11.2024
Mnr

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HON'BLE SRI JUSTICE GANNAMANENI RAMAKRISHNA PRASAD

WRIT PETITION No.19915 OF 2023

Dt.20.11.2024

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