

APHC010006632023



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

[3329]

WEDNESDAY, THE SECOND DAY OF JULY
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 442/2023

Between:

1. BYSANI RATNAMMA, W/O. BYSANI NAGARAJU, AGED 48 YEARS,
OCC. CULTIVATION, R/O. ALAMURU VILLAGE, RUDRAVARAM
MANDAL, NANDYAL (KURNOOL) DISTRICT.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL
SECRETARY, REVENUE DEPARTMENT, SECRETARIAT,
VELAGAPUDI, AMARAVATHI, GUNTUR DISTRICT.
2. THE DISTRICT COLLECTOR, NANDYAL, NANDYAL (KURNOOL)
DISTRICT,
3. THE REVENUE DIVISIONAL OFFICER, NANDYAL DIVISION,
NANDYAL (KURNOOL) DISTRICT.
4. THE TAHSILDAR, ALLAGADDA MANDAL, NANDYAL (KURNOOL)
DISTRICT.
5. NARAYANA RAMACHANDRAIAH, S/O. LAKSHMI NARAYANA, AGED
58 YEARS, OCC. CULTIVATION, R/O. ALAMURU VILLAGE,
RUDRAVARAM MANDAL, NANDYAL (KURNOOL) 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 to issue a Writ, order or directions, more particularly one in the nature of Writ of Mandamus, declaring notice Endorsement. Rc.B/356/2022, dated.20-12-2022, issued by the 4th respondent by entertaining appeal/online application filed by the 5th respondent against the petitioner without jurisdiction, contrary to the Section 8(2) and 9 of A.P. Rights in Land and Pattadar Passbooks Act, 1971, in respect of land in Sy.No. 50 an extent of Ac.3.64 cents, situated at Yadawada Village fields, Allagdda Mandal, Nandyal (Kurnool) District, which is illegal, arbitrary, unjust, violative of provisions of ROR Act, Articles 14, 19 and 300-A of the Constitution of

India, apart from the law laid down by Hon'ble Division Bench of this Hon'ble Court and consequently set-aside the same, further directions to the 4th respondent not to cancel the entries in web land in the village accounts existing in her name and retaining the digital signature, or otherwise petitioner and her family will suffer serious finance loss and great hardship and pass

IA NO: 1 OF 2023

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 grant interim suspension of the notice Endorsement.Rc.B/356/2022, dated.20-12-2022, issued by the 4th respondent and also stay of all further proceedings pursuant to the subject notice, duly retaining the digital signature in online revenue records in respect of land in Sy.No. 50 an extent of Ac.3.64 cents, situated at Yadawada Village fields, Allagdda Mandal, Nandyal (Kurnool) District, pending disposal of the Writ Petition and pass

IA NO: 2 OF 2023

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 05.01.2023 in W.P.No. 442 of 2023 and also dismiss the writ petition and pass.

IA NO: 3 OF 2023

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 dt. 5-01-2023 in WP No. 442/2023 and also dismiss the writ petition and pass

Counsel for the Petitioner:

1.CHALLA SIVASANKAR

Counsel for the Respondent(S):

1.GP FOR REVENUE

2.AYESHA AZMA S

The Court made the following:

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA**WRIT PETITION NO: 442 OF 2023****ORDER:**

1. The claim of the petitioner herein is that the petitioner is the pattadar and possessor of land admeasuring an extent of Ac.3-64 cents in Sy.No.50, situated at Yadawada Village Fields, Allagadda Mandal, Nandyal District. When the unofficial respondent/Respondent No.5 interfered with the peaceful possession and enjoyment of the petitioner, the petitioner instituted O.S.No.207 of 2008 on the file of the Junior Civil Judge Court, Allagadda against Respondent No.5 seeking declaration of right over the subject property and consequential permanent injunction. By judgment and decree dated 07.11.2017 the said suit was dismissed holding that Respondent No.5 herein is the owner of the subject property. Aggrieved by the order of dismissal, the petitioner herein preferred Appeal Suit A.S.No.80 of 2018 before the V Additional District Judge, Allagadda. After hearing both the parties, A.S.No.80 of 2018 was dismissed on 23.08.2021 confirming the judgment and decree passed by the Trial Court. Finally, the petitioner carried the matter by way of second appeal to the Hon'ble High Court and also preferred I.A.No.1 of 2022 in S.A.No.25 of 2022 dated 06.01.2023, wherein this Hon'ble Court passed an interim injunction

restraining the respondent and his men from interfering with the possession and enjoyment of the property, pending disposal of the second appeal.

2. In between the orders passed by the V Additional District Judge, Allaagadda in A.S.No.80 of 2018 dated 23.08.2021 and Hon'ble High Court in I.A.No.1 of 2022 in S.A.No.25 of 2022 dated 06.01.2023, the respondents authorities proceeded and also issued pattadar passbook in favour of the unofficial respondent herein and issued an Endorsement-cum-Notice in Rc.B/356/2022 dated 20.12.2022, the same was assailed by the petitioner in the present writ petition, on the ground that once suit for declaration of title and possession is pending by way of second appeal, the respondents authorities are not entitled to exercise their jurisdiction to decide the rights of the parties to the *lis*. Therefore, the Endorsement-cum-Notice in Rc.B/356/2022 dated 20.12.2022 is sought to be set-aside.

3. On the other hand, learned Government Pleader for Revenue filed counter affidavit and vacate stay petition in I.A.No.2 of 2023 on behalf of Respondent No.4/Tahsildar, Allagadda, stating that, only the enquiry has been started to ascertain the real facts and proposals will be submitted to the Collector, Nandyal for necessary action and further action will be taken only subject to the outcome of the result of the

Hon'ble High Court. In view of this, it is felt that there is no need to extend the interim stay granted in I.A.No.1 of 2022 in S.A.No.25 of 2022 by Hon'ble High Court, A.P. Amaravati. At present the unofficial respondent N. Rama Chandraiah s/o Lakshmi Narayana r/o Alamuru Village of Rudravaram Mandal is having possession and enjoyment covering an extent of Ac.3-64 cents in Sy.No.50 of Yadavada Village of Allagadda Mandal and the adjoining pattadars and the village revenue officer, Yadavada have stated that the fifth respondent is in possession and enjoyment since long time. the 5th respondent also produced Electricity Bill used for borewell installation and the APSPDCL issued receipt on 19.02.2021 and 15.09.2022.

4. Ms. Ayesha Azma, learned counsel for the unofficial respondent/ Respondent No.5 also filed counter affidavit and vacate stay petition in I.A.No.3 of 2023. She submits that, Endorsement-cum-Notice in Rc.B/356/2022 dated 20.12.2022 was issued holding that Respondent No.5 is the owner and possessor of the subject land. Considering the application, the official respondents initiated proceedings to mutate the name of Respondent No.5 as pattadar and possessor of the subject land. She further submits that, at the time of consideration of application of the Respondent No.5 for granting rights under the Andhra Pradesh Rights In Land And Pattadar Pass Books Act, 1971, there is

no order of this Court either in S.A.No.25 of 2022 restraining either the petitioner or respondent to proceed further in accordance with law. Therefore, issuance of Notice dated 20.12.2022 in the absence of any express order in S.A.No.25 of 2022 cannot be treated as illegal and not liable for any rejection of the same. Therefore, sought to dismiss the writ petition.

5. Heard Sri Challa Siva Sankar, learned counsel for the petitioner, learned Government Pleader, Ms. Ayesha Azma, learned counsel for Respondent No.5 and perused the material available on record.
6. It is observed that, there are disputes between the petitioner and Respondent No.5 regarding the subject property. They initiated civil proceedings before the Court below and the same were ended in favour of Respondent No.5 herein. It is further observed that, aggrieved by the same, the petitioner preferred S.A.No.25 of 2022 before the Hon'ble Court, wherein this Court passed the following interim order on 06.01.2023 as under:

“This application is filed for grant of interim injunction restraining the respondent and his men from interfering with possession and enjoyment of the appellant over the petition schedule land.

Appeal was admitted on 25.01.2022.

Appellant filed suit O.S.No.207 of 2008 against the respondent for declaration of title and consequential permanent injunction. Suit was dismissed by judgment and decree dated 07.11.2017. Appellant filed appeal A.S.No.80 of 2018 on the

file of V Additional District Judge, Allagadda and the same was dismissed vide judgment dated 23.08.2021.

Pending the suit, plaintiff filed I.A.No.1500 of 2008 for grant of temporary injunction. By order dated 09.09.2008, Trial Court granted ad interim injunction and later extended the same till the disposal of the suit.

Learned counsel for the petitioner would submit that ad interim injunction was in force till the disposal of the suit, however, the suit was dismissed.

Considering the facts and circumstances of the case, since the second appeal was admitted, there shall be an interim injunction restraining the respondent and his men from interfering with the possession and enjoyment of the property pending disposal of the second appeal.

Accordingly, this petition is ordered.”

7. The contention of the learned counsel for the petitioner that the issuance of the impugned Notice dated 20.12.2022, during the pendency of the civil proceedings, for determination of rights under the Pattadar Passbooks Act, 1971, amounts to a violation of the interim order passed by this Court in I.A. No.1 of 2022 in S.A. No.25 of 2022, dated 06.01.2023, is neither tenable nor sustainable. This is for the reason that, as on the date of issuance of the said notice, i.e., 20.12.2022, there was no restraining order or injunction in force restraining the respondents from proceeding further in terms of the decree and judgment passed by the learned V Additional District Judge, Allagadda, in A.S. No.80 of 2018, dated 23.08.2021.
8. It is an admitted fact that this Court passed an interim order, as extracted above, only on 06.01.2023, i.e., nearly 16 days after the issuance of the notice dated 20.12.2022. Furthermore, it is observed

that the petitioner had challenged the impugned proceedings in the present writ petition, wherein this Court was pleased to pass an interim order dated 06.01.2023, directing the respondents not to proceed further. In view of the submissions made by the learned Government Pleader and having regard to the interim order passed by the Hon'ble High Court in I.A.No.1 of 2022 in S.A.No.25 of 2022, dated 06.01.2023, it is submitted by Respondent No.4 that no further steps are being taken pursuant to the Notice dated 20.12.2022. It is also relevant to note that the said notice was issued only for the purpose of conducting an enquiry.

9. In view of the clear and categorical statement made by learned Government Pleader for Revenue and in light of the interim orders passed in the second appeal, this writ petition is disposed of, directing the parties to avail the remedies available to them in S.A. No.25 of 2022, for effective adjudication of their respective rights.

10. Consequently, miscellaneous petitions pending, if any, shall also stand closed.

JUSTICE VENKATESWARLU NIMMAGADDA

Date:02.07.2025

SP

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 442/2023

Date:02.07.2025

W

SP