

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH  
AT HYDERABAD  
(Special Original Jurisdiction)

WEDNESDAY, THE THIRTIETH DAY OF APRIL  
TWO THOUSAND AND EIGHT

PRESENT  
**THE HON'BLE MR JUSTICE A.GOPAL REDDY**

**W.P.No. 9985 of 2003 & CC NO.1164/2003**

**WRIT PETITION NO : 9985 of 2003**

Between:

- 1 P.Surraju, S/o. Sreerama Raju,  
R/o.Bheemavaram, West Godavari District.
- 2 M.Suryanarayana Raju, S/o.Jogi Jagannadha Raju,  
R/o. Hyderabad.

**..... PETITIONERS**

AND

- 1 The Joint Collector, Ranga Reddy District,  
Khairtabad, Hyderabad.
- 2 The Mandal Revenue Officer,  
Quthbullapur Mandal, Quthbullapur,  
R.R.District.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction more in the nature of Writ of Mandamus, declaring that the action of the respondents in demolishing the entire compound wall of the petitioners situated around their land admeasuring an extent of Ac.5.00 situated in Sy.No. 191/A of Nizampet Village, Quthbullapur Mandal, Ranga Reddy District without issuing any notice is without jurisdiction, highly arbitrary, contrary to the order of this Hon'ble Court dt 22-5-2003, illegal, violative of principals of natural justice and violative of Art 14, 21 and 300-A of the Constitution of India and consequentially direct the respondents to restore the compound wall and the building of the petitioner which was of demolished by them or in the alternative direct the respondents to pay a sum of Rs 8.00 lakhs as damages to the petitioners and directing the respondents not to

interfere with the peaceful possession and enjoyment of the said land of the petitioner and to pass such other or further orders as this Honourable Court may deem fit and proper in the circumstances of the case (Prayer portion was amended as per orders dt.20-7-2004 passed in WPMP No.23452/2003)

**Counsel for the Petitioner: Mr. D. PRAKASH REDDY, Senior Counsel for MR.C.RAMACHANDRA RAJU**

**Counsel for the Respondent No.: GP FOR REVENUE**

**CONTEMPT CASE NO : 1164 of 2003**

(Contempt Case U/s. 10 to 12 of Contempt of Courts Act to punish the Respondents herein for violating, disobeying the Order of the High Court dated 22-5-2003 IN WPMP NO.12627/2003 IN WP NO.9985/2003.)

Between:

- 1 P. Sarraju S/o. Sreeramaraju  
R/o. Bheemavaram West Godavari Dist.
- 2 M. Suryanarayanaraju S/o. Jogi Jagannadha Raju  
R/o. Hyderabad.

**..... PETITIONERS**

AND

- 1 Ravichander  
Ranga Reddy District Khairatabad  
Hyderabad.
- 2 Ramulu  
Quthubullapur Quthubullapur Mandal  
R.R. Dist.

**.....RESPONDENTS**

**Counsel for the Petitioner:MR. D.PRAKASH REDDY, SENIOR COUNSEL FOR MR. C.RAMACHANDRA RAJU**

**Counsel for the Respondent : GP FOR REVENUE**

**The Court made the following :**

*THE HONOURABLE SRI JUSTICE*  
**A.GOPAL REDDY**

**WP No.9985 of 2003**  
**and**  
**CC No.1164 of 2003**

COMMON Order:

CC No.1164/2003 arises out of interim order passed by this Court dt. 22-5-2003 in WPMP No.12627/2003 in WP No.9985/2003, to the following effect:

“Pending further orders, the respondents shall not demolish any structures, if they are existing, without issuing due notice. As seen from the photographs produced by the learned counsel for the petitioners the pillars erected for fencing were already demolished. In view of the same, the petitioners shall not make any further construction until further orders.

Status-quo existing as on today shall be maintained till 16-6-2003...”

Whereas the writ petition is filed with the following prayer:

“..it is therefore prayed that this Honourable Court may be pleased to issue an order or direction more in the nature of Writ of Mandamus declaring that the action of the respondents in demolishing the entire compound wall of the petitioners situated around their land ad-measuring an extent of Ac.5-00 cents situated in S.No.191/A of Nizampet village, Quthbullapur Mandal without issuing any notice is without jurisdiction, highly arbitrary, contrary to

the order of this Honourable Court dt. 22-5-2003 illegal, violative of principles of natural justice and violative of Arts.14,21 and 300-A of the Constitution of India and consequently direct the respondents to restore the compound wall and the building of the petitioners which was demolished by them or in the alternative direct the respondents to pay a sum of Rs.8 lakhs as damages to the petitioners and directing the respondents not to interfere with the peaceful possession and enjoyment of the said land of the petitioners and to pass such other or further orders as this Honourable Court may deem fit and proper in the circumstances of the case. (Prayer portion was amended as per orders dt. 20-7-2004 passed in WPMP No.23452/2003)”

It is averred in the affidavit filed in support of the writ petition that the first petitioner is the absolute owner of the land ad-measuring an extent of Ac.3-00 in S.No.191/A of Nizampet Village, Quthubullapur Mandal, Ranga Reddy District having purchased partly in the year 1994 and in the year 2000 under registered sale deeds dt. 5-2-1994 and 4-12-2000 respectively for valuable consideration from B.Narasiah, B.Mallesha and A.Mohan Singh, who were the absolute owners of the land. The second petitioner is the absolute owner of the land ad-measuring Ac.2-00 in S.No.191/A of Nizampet Village having purchased the same under a registered sale deed dt. 4-12-2000 from K.Venkatarama Raju for a valuable consideration. Ever since they have been in possession and enjoyment of the property. On the application filed by the petitioners for mutation, the second respondent considering the claims passed orders in his proceedings No.A/11644/2001 dt. 11-1-2002 and A/11645/2001 dt. 11-1-2002 in their favour respectively. Pursuant to the same, title deeds were also issued in their favour. They have constructed a house in the said land for storing their agricultural tools. As some anti-social elements are trying to grab their land, they have also constructed a compound wall around their land to protect it. While so, the second respondent without issuing any notice, on 20-5-2003 on the instructions of the Joint Collector demolished the compound wall, which is arbitrary and illegal.

The second respondent, Mandal Revenue Officer, Quthubullapur

Mandal, filed his counter affidavit stating that the land in question is a Government land and the proceedings under the A.P. Rights in Land and Pattadar Passbook Act, 1971 were issued by inadvertence. Section 12 of the A.P. Rights in Land and Pattadar Passbook Act, 1971 specifies that nothing in the said Act applies to the land belonging to the State Government. From the registered sale deed and the applications filed by the petitioners for mutation of revenue records, it is evident that the land in question had been allegedly assigned to Bakka Rajaiah, Bakka Yadaiah and Bakka Durgaiah and no evidence is found of the alleged assignments said to have been made to the three individuals mentioned supra and the alleged assignments are non-existent in the record. Assuming that the lands are assigned lands, the alleged transaction is hit by Section 5 of the A.P. Assigned Lands (Prohibition of Transfers) Act, 1977. Notices dt. 19-5-2003 under the Act 9 of 1977 were served on the petitioners on 26-5-2003 after receipt of the interim order of the Honourable Court dt. 22-5-2003. When the petitioners attempted to construct a compound wall around the land in question, the respondent visited the spot and informed them that the land belongs to the Government. Thereafter, the petitioners approached the High Court and obtained an order of status-quo.

Heard Sri D. Prakash Reddy, learned Senior Counsel appearing for the petitioners and the learned Government Pleader for Revenue for the respondents.

In spite of specific plea taken by the petitioners in the affidavit filed in support of the petition by enclosing the documents and proceedings of the Mandal Revenue Officer, Quthbullapur Mandal, Ranga Reddy District dt. 11-1-2002, the same have not been specifically denied or controverted, therefore, the same presumed to have been admitted by the respondents.

A perusal of the proceedings of the Mandal Revenue Officer, Quthbullapur Mandal, Ranga Reddy District dt. 11-1-2002 would indicate that patta certificates were issued in favour of Bakka Rajaiah S/o Durgaiah and Bakka Narsaiah S/o Durgaiah, both residents of Nizampet village in S.No.191/A to an extent of Ac.1-20 guntas respectively situated at Nizampet village; the same was implemented under ROR and permission was accorded

on 11-1-1982 by the Revenue Authorities to the first vendor ie., A. Mohan Singh, as he was an ex-serviceman, who in turn executed the document in favour of the first petitioner herein. Similarly, a perusal of the proceedings dt. 11-1-2002 would indicate that patta certificate was issued in favour of Bakka Durgaiah S/o Narsaiah, a resident of Nizampet in S.No.191/A to an extent of Ac.2-00 gunta situated at Nizampet village; the same was implemented under ROR and permission was accorded on 11-1-1982 by the Revenue Authorities to the first vendor ie., Venkat Rama Raju, as he was an ex-serviceman, who in turn executed the document in favour of the second petitioner herein. Those proceedings clearly indicate that there is no prohibition for sale of land as it was assigned in favour of the ex-servicemen and was permitted to be sold.

It is well settled that while depriving the properties of citizens or interfering with their possession by the revenue authorities, they should be made known the action proposed by issuing a notice, but straight away cannot demolish the structures made without following due procedure.

When the proceedings issued by the Mandal Revenue Officer itself goes to show that lands were assigned in favour of the ex-servicemen and necessary permission was given to them for alienation of the property by way of sale or otherwise, on such alienation land will become a private land, therefore, the respondents treating the land as government land merely because it was earlier assigned to Bakka Rajaiah and Bakka Narasaiah as contended by them in their counter for applying the provisions of A.P. Assigned Lands (Prohibition of Transfer) Act. 1977 cannot be accepted.

In paragraph 6 of the counter, it was further stated that notices dt.19-5-2003 under Act No.9 of 1977 were served on the petitioners on 26-5-2003 after passing interim orders dt. 22-5-2003 by the High Court, and when the petitioners tried to construct a compound wall, the respondents visited the spot and informed them that the land belongs to the Government and requested them to stop the construction, but it is nowhere denied about the demolition made by them with highhandedness in spite of specific plea was taken by the petitioners.

In view of the same, the action of the Mandal Revenue Officer in demolishing the compound wall and pillars, at the instructions the Joint Collector, Ranga Reddy District without following due process of law is nothing but an highhanded action. It is well settled that for the illegal actions of the officials of the Government, the State is vicariously liable for the illegal acts done by them. Since the second respondent is responsible for the demolition of the compound wall and pillars in defiance to the interim orders passed by this court dt. 22-5-2003, he is liable to pay Rs.10,000/- towards the loss sustained by the petitioners.

For the reasons aforementioned, the action of the respondents in demolishing the compound wall and pillars is declared as arbitrary and illegal and the respondents are further restrained from interfering with the possession of the properties of the petitioners, and the second respondent is directed to pay a sum of Rs.10,000/- to the petitioners towards the loss sustained by the petitioners.

The writ petition is accordingly allowed. No costs.

In view of allowing of the writ petition, no orders are necessary to be passed in the contempt case. The contempt case is accordingly closed.

Dt.30-4-2008

*Kmr*

\_\_\_\_\_ A.GOPAL REDDY, J.

