

HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

**HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH
AND
HON'BLE MR. JUSTICE B. KRISHNA MOHAN**

WRIT APPEAL No.648 OF 2021

1. The State of Andhra Pradesh,
Rep. by its Principal Secretary,
Revenue (Assignment-I) Department,
A.P. Secretariat, Velagapudi,
Amaravati, Guntur District.
2. The Special Chief Secretary and
Chief Commissioner of Land Administration,
State of A.P., Gollapudi, Vijayawada.
3. The District Collector,
Guntur District.
4. The Tahsildar,
Tenali, Guntur District. ... Appellants

Versus

- 1 Podili Siva Murali,
S/o. Raghavendra Rao, Aged about 35 years,
R/o. Kothapeta, Tenali-522 201.
- 2 Gundimeda Gopi,
S/o.Subba Rao, Aged about 47 years,
R/o. 20-9-12, Chinna Ravuru Park Road, Tenali-522 201.
- 3 Nandikatti Siva Prasad,
S/o. Sambasivarao, Aged about 33 years,
R/o.12-1-43, Pandurangapeta, Tenali-522 201.
- 4 Gundimeda Suresh Kumar,
S/o.Ammeswara Rao, Aged about 40 years,
R/o.Kothapet, Tenali.
- 5 Kanuri Venkata Naga Eswara Prasad,
S/o.Suryaprakasa Rao, Aged about 45 years,
R/o.Salipet, Tenali.
- 6 Shaik Anwar Basha,
S/o.Abdul Gafoor, Aged about 73 years,
R/o.Kothapet, Tenali.
- 7 Nomula Siva Nageswara Rao,
S/o.Koteswara Rao, Aged about 35 years,
R/o.23rd Ward, Tenali.
- 8 Mannem Sankar,
S/o.Samiyelu, Aged about 42 years,
R/o.Balajiraopet, Tenali.
- 9 Ghanta Rangaiah,
S/o.Gangarao, Aged about 41 years,
R/o.23rd Ward, Tenali.

- 10 Ch.Satyavathi,
W/o. Venkateswarlu, Aged about 39 years,
R/o.Chandrababu Naidu Colony, Tenali.
- 11 Cheni Subhasini,
W/o.Tirupathirao, Aged about 29 years.
R/o.Chandrababu Naidu Colony, Tenali.
- 12 K.Venkata Siva Prasanti,
D/o.K.Venkata Siva Kumari, Aged about 20 years,
R/o.14-71-37, Chandrababu Naidu Colony, Tenali.
- 13 Siva Kumari,
W/o.Sivaiah, Aged about 34 years,
R/o.23rd Ward, Tenali.
- 14 Shaik Nayab Rasool
S/o Bade Saheb Aged about 40 years
R/o 23rd Ward Tenali
- 15 Shaik Mabula
S/o. Jilani Aged about 26 years
R/o. 24th Ward Chandrababu Naidu Colony, Tenali
- 16 Shaik Jilani
S/o. Ramtulak Aged about 49 years
R/o. Chandrababu Naidu Colony
Morrispet Tenali
- 17 Nomula Venkata Siva Muthyalu
S/o Koteswara Rao Aged about 45 years
R/o Morrispet Tenali
- 18 Srigiri Ranga Nayakamma
W/o Srigiri Raju Aged about 57 years
R/o 254839 4th line Morripet RR Nagar Colony Tenali
- 19 Veerastu Samrajyam
W/o Srinivasa Rao Aged about 69 years
R/o No 73681 Morrispet C B N Colony Tenali
- 20 Vemula Suresh
S/o Nagulu Aged about 42 years
R/o R R Nagar Tenali
- 21 Peddapeta Kalyani
W/o Nagulu Aged about 59 years
R/o Chinravuru Tenali
- 22 Sanamsetti Vani
W/o Pichaiah Aged about 49 years
R/o Morrispet Tenali
- 23 Mannam Lokeshwari
W/o Suresh Aged about 32 years
R/o Balajiraopet Tenali
- 24 Tadiboina Dhana Raju
S/o Subramanyam Aged about 45 years
R/o CBN Colony Morrispet Tenali
- 25 Mannam Govardhanamma
W/o Venkateswarulu Aged about 39 years
R/o Balajiraopet Tenali
- 26 Mannam Ramesh
S/o Gopaiah Aged about 29 years
R/o Balajiraopet Tenali.

- 27 Danaboyana Nagarjuna
C/o Raghu Aged about 33 years
R/o. Krishnarao Naidu Street, Kothapeta
Beside LIC Tenali.
- 28 Ravipati Anil
S/o Srinivasa Rao Aged about 32 years
R/o Morrispet Tenali
- 29 Dasari Sakunthala
W/o Ramachandra Rao Aged about 50 years
R/o C B N Colony 23rd Ward Tenali
- 30 Thota Harika
W/o Venkat Kumar Aged about 34 years
R/o 23rd Ward Tenali
- 31 M Sekhar
S/o Gopaiah Aged about 28 years
R/o Station Road Balajiraopet Tenali
- 32 Pasupuleti Niraja
W/o Yedukondalu Aged about 39 years
R/o C B N Colony 23rd Ward Tenali
- 33 Sammeta Durga Vara Prasad
S/o Sammeta Anjaneyulu Aged about 40 years
R/o 181519 Muth Reddy Street Salipet Tenali
- 34 Tadi Poorna Chandra Rao
S/o Anjaneyulu
R/o C B N Colony Morrispet Tenali
- 35 Pasupuleti Srivalli
W/o Ramana Babu Aged about 31 years
R/o Morrispet Tenali
- 36 Mohamthad Nafiza
W/o Nazeer aged about 34 yeras
R/o Devi Chowk Tenali
- 37 Shaik Abdul Gafoor
S/o Anwar Basha Aged about 37 years
R/o Jampani Kothapet Tenali
- 38 Keerthipati Sri Devi
W/o Venkateswarlu aged about 47 years
R/o Morrispet Tenali
- 39 Ravuri Sarnbrajyam
W/o Punnaiah aged 53 years
R/o Bhavanamvari Street Ganganammampet, Tenali
- 40 Konkepudi Lakshmi Narasamma
W/o Venkata Rattaiah aged 43 years
R/o Muttimesttipalem tenali
- 41 Konda Pavani
W/o Konda siva Sankar aged about 26 Years
R/o C B N Colony Tenali
- 42 K Vijayalakshmi
W/o Sivaji aged about 32 years
Chandra Babu Naidu Colony Tenali
- 43 Maddala Jhansi Rani
W/o Chandrasekhara Rag aged About 37 years
R/o Balajiraopet, Tenali.

- 44 Konda Ratna Kumari
W/o Nagababu aged about 34 Years
R/o C B N Colony Tenali
- 45 kamadula Uma Maheswari
W/o Ramaiah aged about 30 years
R/o Near Gaiety Hall Tenali
- 46 Neelamaktam Sambaiah
S/o Venkateswarlu aged About 30 years
R/o 23rd Ward Tenali
- 47 S Leela Prasad
S/o Peraiah aged 42 years
R/o Mahendra Colony Balaji Rao Peta Tenali
- 48 Chilakalapudi Ramana
W/o Koteswara Rao aged About 50 years
R/o 23rd Ward Tenali
- 49 Balajangam Adilakshmi
W/o Venkateswarlu aged About 70 years
R/o Chandrababu Naidu Colony Morrispet Tenali
- 50 T Ashok Kumar
S/o Sambasiva rao aged 35 years
R/o C B N Colony Morrispet tenali
- 51 Bussa Subbayamma
W/o Ramesh aged about 30 Years
R/o Muttemsettipalem Tenali
- 52 Bussa Mary
W/o Subba Rao aged about 37 years
R/o Muttemsettpalem Tenali
- 53 Sankavarapu Rattamma
W/o Adinarayana aged About 73 years
R/o Sarojininaidu Street Kothapeta Tenali
- 54 K Shanti Kumari
W/o Mangapathi aged about 39 Years
R/o Muttemsettipalem Tenali
- 55 Mangalarapu Jagadeeswari
W/o Koteswara Rao Aged about 50 years
R/o Morrispet Tenali
- 56 Kurmala Sunitha
W/o Srinivasa Rao aged about 35 Years
R/o Ganaganammamet Tenali
- 57 Busi Anjali
W/o Ramu aged about 30 years
23 rd Ward Tenali
- 58 K Rambabu
S/o Rangarao aged about 42 years
R/o Chandrababu Naidu Colony Tenali
- 59 Thumati Nithin
S/o Vijay Kumar aged about 34 years
R/o Islampet Tenali
- 60 Aripati Mastanamma
W/o Chennaiah aged about 50 Years
R/o Muttemsettipalem Tenali
- 61 Chintaa Aruna
W/o Srinivasa Rao aged about 38 Years
R/o K V Subbaiah Street Pandurangapeta Tenali

- 62 K Arunakumari
W/o Srinivasa Rao aged about 41 Years
R/o Hanuman Vari veedhi Morrispetta Tenali
- 63 Devisetty Sambasiva rao
S/o Basavapunnaiah aged about 45 years
R/o Ganganammampet Tenali
- 64 K Srilakshmi
W/o Jagadish aged about 32 years
Malladhi Vari Street M S Palem Tenali
- 65 N Saraswatamma
W/o Venkata Rao aged about 32 Years
R/o Nandulapeta Tenali
- 66 Satuluri Krishna Veni
W/o Babu Rao aged about 49 Years
R/o 16th Ward Tenali
- 67 Chatragadda Venkateswaramma
W/o Ramu aged About 32 years
R/o 23rd Ward C B N Colony Tenali
- 68 Kondam Prameela
W/o Siva Nageswara Rao aged About 45 years
R/o Chandra babu Naidu Colony 23rd Ward Tenali
- 69 P Naga Malleswari
W/o Ramesh aged 33 years
Morrispetta Chintala Malapalli Tenali
- 70 Garika Venkateswaramma
W/o Nagaraju aged about 28 years
R/o C B N tenali
- 71 Dhulipudi Aruna
W/o Srinivasa Rao aged about 37 Years
R/o 8th Ward Tenali
- 72 P Manjula
W/o Srinu Vasu aged 37 years
R/o Beside Vijaya Bank Balaji Rao Peta Tenali
- 73 Yenumula Srinivasa rao
S/o Venkateswara Rao aged about 37 years
R/o Salipet Tenali
- 74 Tadiparthi Balaswami
S/o Nageswara RAo aged about 37 years
R/o Ivraltepaclu 23rd Ward Tenali
- 75 Palaparthi Siva Nagamani
W/o Srinivasa Rao aged About 40 years
R/o C B N Colony 23rd Ward Tenali
- 76 Poluboina Venkateswara rao
S/o Kondaiah aged About 42 years
R/o Chandrababu Naidu Colony
- 77 T Lakshmi Prasanna
W/o Ravindra Prasanna aged 31 years
R R Nagar Morrispetta Tenali
- 78 Thota Nirmala
W/o Babu Rao aged about 45 years
R/o 23rd Ward Tenali
- 79 Kondarn Nageswara Rao
S/o Anantharamaiah aged about 46 years
R/o 23rd Ward Tenali

- 80 Yinturi Subbayamma
W/o Somaiah aged 57 years
R/o R R Nagar Morispeta Tenali
- 81 Tattukola Ammaji
W/o Koteswra Rao aged about 50 Years
R/o Nazerpet Tenali
- 82 Bhimisetti Nagamma
W/o Venkateswara Rao aged About 55 years
R/o 23rd Ward Tenali
- 83 Machavarapu Sunith
W/o Madusudhana Rao aged About 39 years
R/o Kothapet Tenali
- 84 Chatragadda Pullamma
W/o Chatragadda Rajaiah Aged about 74 years
R/o Morrispet Tenali
- 85 Bhimisetti Rama Mohana Rao
S/o Venkateswarlu aged Aged about 45 years
R/o Chandra babu
Naidu Colony Tenali
- 86 G Venkata Suresh
S/o Anjaneyulu aged 25 yrs
R/o Vykuntapuram
Chinnaravuru Tenali
- 87 Chatra Gadda Venkateswramma
W/o Ramu aged 34 yrs
R/o C B N Colony Tenali
- 88 Konda Nage Manjula
W/o Late Venkata durga rao Aged about 40 yrs
R/o 23rd Ward
Chandrababu Naidu Naidu Colony Tenali
- 89 Shaik Rafiya Begum
W/o Khaja aged about 44 years
R/o Lenin Road N D
Colony Tenali
- 90 Midathala Sarojini
W/o Pedda Venkateswarlu aged About 35 years
R/o 23rd Ward C B N Colony Tenali
- 91 Shaik Sandhani
S/o Subhani aged about 29 years
R/o C B N Colony Morrispeta Tenali
- 92 Tirupathi Tirupatamma
W/o Ankamma Rao aged About 24 years
R/o Islampet Tenali
- 93 Gangula Padma
W/o Sreenu aged about 35 years
R/o Pandurangapet Tenali
- 94 Bannaravuri Venkata Narasamma
W/o Lakshmi Narayana aged about 52 years
R/o Krishna Naidu Street Kothapeta Tenali
- 95 Nallagandla Sri Lakshmi
W/o Malyadri aged about 34 Years
R/o NTR Road Pandurangapet Tenali

- 96 Shaik Ashebun
W/o Jani aged about 53 years
R/o C B N Colony 23rd Ward Tenali
- 97 Shaik Hussain Bee
W/o Hussen aged about 90 years
R/o No Andraratna Road Muttem Setty Palem tenali
- 98 Nadrendla Radha Rani
W/o Giridhar Reddy aged about 30 years
R/o Ramalingeswarapet Tenali
- 99 Melam Jyothi
W/o Chenna aged about 50 years
R/o Salipet Tenali
- 100 Podili Swarna Latha
W/o Vana Kishore aged about 30 Years
R/o Kothapet
- 101 Siva Murali
S/o Raghavendra Rao aged about 28 Years
R/o Kothapet Tenali
- 102 Inturi Anuradha
W/o Nagoor Babu aged about 27 Years
R/o 23rd Ward Tenali
- 103 Veerasthu Venkata Rao
S/o Srinivasa rao aged about 30 years
R/o Turpu Kalva Katta Tenali
- 104 Pattan Himambi
S/o Late ahamad aged 55 years
R/o Huzur Chowk Mosque Street
Chenchupet Tenali
- 105 Nallagandla Ramanamma
W/o China Rangaiah aged About 38 years
R/o NTR Road
Pandurangapet Tenali
- 106 Srungarapu Kalpalatha
W/o Naga Raju aged about 42 Years
R/o Jogaiah Street
Muttenusettippalem Tenali
- 107 Amarthaluri Praveen Kumar
S/o Peter aged about 39 Years
R/o Balajinagar Chinarairuru Tenali
- 108 Kolluru Krishna Kishore
S/o Nageswara Rao aged About 40 years
R/o Chinaravuru Tenali
- 109 Valluri Kousalya
W/o Nataraj aged about 50 years
Satyanarayana Park Road Tenali
- 110 Pinni Basava Kumari
W/o Murali Krishna aged about 40 years
R/o Sarojini Naidu St Kothapet Tenali
- 111 Rayapudi Bhagyamma
W/o Chelambram aged about 50 years
R/o Salipet Tenali
- 112 Avulamanda Tirupatamma
W/o Siva Kumar aged about 30 years
R/o Ramalingeswarapet Tenali

- 113 Kumbha Naga Dhana Lakshmi
W/o Murali aged about 30 years
R/o Islampet Tenali
- 114 Kurala Sunitha
W/o Srinivasa Rao aged about 35 Years
R/o Ganganammampet Tenali
- 115 Berala Srinivasa rao
S/o Venkata Swamy aged about 45 years
R/o 23rd Ward Tenali
- 116 Kode Venkateswarlu
S/o Subba Rao aged about 60 Years
R/o 23rd Ward Tenali
- 117 Potluri Baby Sarojini
W/o Ranga Rao aged about 45 Years
R/o 23rd Ward Tenali
- 118 Nandikatti Siva Prasad
S/o Sambasiva Rao aged about 33 years
R/o Pandurangapet Tenali
- 119 Tirupathi Siva
W/o Venkaiah aged about 32 years
Chandra babu Naidu Colony Tenali
- 120 Pasuleti Sivamma
W/o Satyanarayana rao aged about 54 years
R/o 23rd Ward Tenali
- 121 Bura Venkataramana
W/o Sambasiva rao aged 32 years
R/o Chinaravuru Thota Tenali
- 122 Ravula Ramana
W/o Pullaiah aged about 45 years
Chinaravuru Thota Tenali
- 123 Katikam Ramana
S/o Atchaiah aged about 34 years
R/o Chinaravuru Thota Tenali
- 124 Angirekula Naga Lakshmi
D/o Siva Prasad aged about 20 years
Bhimaraju Vari Street Muthemsetty Vari Palem,
Tenali 522201.
- 125 Garikapati Vijayalakshmi
W/o Late Sambasiva Rao aged about 55 years
R/o Indiranagar Vanadi Colony Tenali
- 126 Bheemisetti Naghendramma
W/o Krishna Murthy aged about 55 years
R/o Chandrababu Naidu Colony tenali
- 127 Dara Hemalatha
W/o Rajeshbabu aged about 30 years
R/o Vykuntapuram Tenali
- 128 Garikapati Lakshmi
w/o Mangaiah aged 48 Years
R/o Chandra babu Naidu Colony Tenali
- 129 Angirekula Silpa
w/o Siva Prasad aged 30 years
R/o M S Palem Tenali
- 130 Tenali Municipality
through its Commissioner Tenali.

- 131 Sri P Ravi Babu
Tahsildar Tenali.
- 132 Union of India,
Rep. by its Secretary,
Ministry of Housing and Urban Affairs,
Nirman Bhawan Maulana Azad Road,
New Delhi-110011.
133. The Andhra Pradesh State Housing Corporation
Limited, Plot No.11 & 12,
Nirmaan Bhavan, Behind Autonagar
Telephone Exchange, Autonagar, Vijayawada,
Krishna District,
Rep. by its Managing Director. ... Respondents

Counsel for the Appellants : Mr. Subrahmanyam Sriram
Advocate General

Mr. P. Sudhakar Reddy
Additional Advocate General

Counsel for the Respondents : Mr. V. S. R. Anjaneyulu
Senior Advocate for R1-R129

Mr. M. Manohar Reddy
Standing Counsel for R130
Mr. Harinath N.,
Asst. Sol. Gen. for R-132
Mr. E. V. Jagannadha Rao,
for R-133

ORAL JUDGMENT

Date: 30.11.2021

(Per Hon'ble Mr. Justice Ahsanuddin Amanullah)

Heard Mr. S. Sriram, learned Advocate General with Mr. P. Sudhakar Reddy, learned Additional Advocate General for the appellants; Mr. V. S. R. Anjaneyulu, learned Senior Counsel along with Mr. B. S. S. Kumar, learned counsel for the private respondents no.1 to 129; Mr. M. Manohar Reddy, learned Standing Counsel for the respondent no.130; Mr. Harinath N., learned Assistant Solicitor General for the respondent no.132 and Mr. E. V. Jagannadha Rao, learned counsel for the respondent no.133.

2. The present appeal is directed against the Judgement and Order passed by the learned Single Judge in Writ Petition No.25275 of 2020 dated 08.10.2021, whereby the writ petition came to be allowed in the following terms:

“(a) Guideline No.3 of G.O.Ms.No.367 dated 19.08.2019, clause (x) (xi) and (xii) of G.O.Ms.No.488 dated 02.12.2019 and clause (b) and clause (d) of G.O.Ms.No.99 dated 31.03.2020 as illegal, arbitrary and they are hereby quashed, consequently, respondents are directed to cancel the deed of conveyance registered in favour of allottees following the procedure laid down in law while directing to issue D-Form patta in favour of allottees, strictly in terms of clause 3 of G.O.Ms.No.367 dated 19.08.2019 after considering the recommendations of expert committee vide clause (c).

(b) Guideline No.2 of G.O.Ms.No.367 dated 19.08.2019 as illegal, arbitrary and violative of Articles 14, 15 (1) of the Constitution of India and defeating the object of scheme and Article 39 of the Constitution of India besides violative of Articles 7 and 17 of the Universal Declaration of Human Rights and Article 26 of International Covenant on Civil and Political Rights, and they are hereby quashed, consequently, the State is directed to allot house site to men and transsexual also on par with women, subject to their eligibility.

*(c) Further, the State is directed to appoint a special committee consisting of expert from Central Pollution Control Board; expert from Ministry of Housing and Urban Affairs; Health expert from Ministry of Health and Family Welfare to examine the issues discussed in the earlier paragraphs, within one (1) month from the date of receipt of copy of this Order to submit a report within one (1) month thereafter and publish the report in two local newspapers inviting objections from the public and finalise the scheme “**Navaratnalu – Pedalandariki Illu**” for construction of houses in the house sites keeping in view the impact on environment, health hazards etc. and **increase/enhance the area, if necessary by acquiring more site, allotted to the beneficiaries modifying the layouts keeping in view the report to be submitted by the Special Committee.** Till completion of such exercise, constructions shall not be proceeded in the land allotted to beneficiaries under the scheme “**Navaratnalu – Pedalandariki Illu.** No costs.”*

3. Pursuant to the appeal, an additional affidavit has been filed on behalf of the appellants. Written arguments have also been filed on behalf of the respondent no.1.

4. The writ petition was filed by the private respondents seeking house site pattas under the scheme called '*Navaratnalu – Pedalandariki Illu*' (hereinafter referred to as the 'Scheme').

5. This appeal was heard *in extenso* on 24.11.2021 and 25.11.2021.

6. On 25.11.2021, after addressing arguments, time was sought for by learned Senior Counsel for the private respondents to seek instructions, in view of the appellants' stand, as brought forth in the additional affidavit.

7. Today, at the very outset, learned Senior Counsel for the private respondents drew our attention to Paragraph-6 of the additional affidavit which states that "*in the event of any of the petitioners submitting a representation to the Government, seeking reconsideration of their applications or their cases for allotment of house sites, the same shall be considered by the Government in accordance with the policy as indicated in the pleadings.*" Learned Senior Counsel submitted that the writ petitioners, who have still not been granted house site pattas under the Scheme, would submit their fresh representations to the Government seeking reconsideration of their applications, which may be considered within a fixed time-period.

8. In view thereof, learned Senior Counsel for the private respondents submitted that they be permitted to withdraw the writ petition itself, so as to put a *quietus* to the controversy.

9. Learned Advocate General submitted that if the private respondents, who have still not been granted house site pattas make fresh representations within three weeks from today, the same shall be considered in a transparent and objective manner and decision thereon shall be taken within three months from the date of filing such fresh representations before

the appellant no.3 *viz.* District Collector, Guntur District in accordance with law and within the parameters of the aforesaid Scheme.

10. Having regard to the aforesaid, in the considered opinion of the Court, *in praesenti*, the requirement to examine the rival contentions is obviated since the writ petitioners themselves wish to withdraw the writ petition with liberty to file fresh representations for those amongst the writ petitioners, who have not been allotted house site pattas.

11. The parties are *ad idem* on the order to be passed. Accordingly, taking note of the additional affidavit, the submissions made by the learned Advocate General and the learned Senior Counsel for the writ petitioners/private respondents, as recorded hereinabove, we direct as follows, with the parties' consent:

11.1. This Writ Appeal is allowed and the impugned Judgement and Order dated 08.10.2021 passed by the learned Single Judge is set aside.

11.2. The Writ Petition No. 25275 of 2020 stands dismissed as withdrawn.

11.3. The writ petitioners, who have not yet been given house site pattas under the Scheme, shall make a fresh representation/application within 3 weeks to the respondent no.3, namely the District Collector, District Guntur. The same shall be decided having due regard to the Scheme expeditiously and no later than within 3 months from the date of such filing.

12. Needless to state, as this order is passed with the consent of the parties, we express no opinion whatsoever on merits.

13. Pending applications, if any, shall stand consigned to records.

(AHSANUDDIN AMANULLAH, J)

*Gvl/Mjl/**

(B. KRISHNA MOHAN, J)

**HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH
AND
HON'BLE MR. JUSTICE B. KRISHNA MOHAN**

WRIT APPEAL No.648 OF 2021

Date : 30-11-2021

*Gul/ Mjl/ **