

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

**THURSDAY, THE THIRTIETH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HON'BLE SRI JUSTICE RAVI CHEEMALAPATI

WRIT PETITION NO: 29250 OF 2023



Between:

Sunkara Santha Kumari, W/o Satyanarayana, Aged 31yrs, R/o D.No.2-3, Medidi Vari Street, Near Old Government Hospital, Jangareddygudem, Jangareddygudem Mandal, Eluru District.

...PETITIONER

AND

1. The State of Andhra Pradesh, rep by its Prl. Secretary, Revenue Department, Secretariat, Velagapudi, Amaravathi, Guntur District.
2. The District Collector, Eluru District, Eluru
3. The Revenue Divisional Officer, Jangareddygudem Division, Jangareddygudem, Eluru District.
4. The Tahasildar, Jangareddygudem Mandal, Jangareddygudem.

...RESPONDENTS

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 Order, Direction one particularly one in the nature of Writ Petition of Mandamus declare the Proceedings of the 4th respondent proc. NIL dt.16-08-2022. as illegal, arbitrary and contrary to the provisions of A.P. Rights In Lands and Pattadar Passbook Act and violation principles of natural justice and consequently direct the 4th respondent to mutate the Petitioner's name and issuance of Pattadar Passbook in respect of the land covered in R.S.No.121/2 an extent of Ac.4.00 Cents situated at Pangidigudem Village, Jangareddygudem Mandal, Eluru District.

IA NO: 1 OF 2023

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct the 4th respondent to mutate the petitioner name in the revenue records and issue E-Passbook in respect of the land covered in R.S.No.121/2 an extent of Ac.4.00 Cents situated at Pangidigudem Village, Jangareddygudem Mandal, Eluru District pending disposal of the above writ petition.

Counsel for the Petitioner: SRI. P. R. K. AMERANDRA KUMAR

Counsel for the Respondents No.1 to 4: GP FOR REVENUE

The Court made the following: ORDER

THE HON'BLE SRI JUSTICE RAVI CHEEMALAPATI

WRIT PETITION NO.29250 OF 2023

ORDER:

The short grievance of the petitioner is issuance of proceedings dated 16.08.2022 by the 4th respondent contrary to the provisions of A.P Rights in Lands and Pattada Passbook Act and in violation of principles of natural justice.

2. Heard, Sri P.R.K.Amarendra Kumar, learned counsel for the petitioner, Sri E.Kumar, learned Assistant Government Pleader for Revenue.

3. Learned counsel for the petitioner in elaboration to what has been stated in the affidavit contended that, the petitioner is the owner and possessor of the agricultural land to an extent of Ac.4.00 cents in R.S.No.121/2 situated at Pandigudem Village, Jangareddygudem Mandal. The petitioner filed an application dated 27.11.2021 for mutation of her name in the revenue records and for issuance of pattadar passbook in her favour. On the said application, the 4th respondent issued proceedings dated 16.08.2022, stating that, the petitioner is not in possession and enjoyment of the subject land.

He further submitted that, the petitioner's vendors name is reflected in the form 1-B Register and the petitioner purchased the

subject land from his vendor under registered sale deed. As per ROR Act, the authorities have no other option except to mutate the name of the petitioner substituting his vendor's name. Hence, the order impugned is unsustainable and prayed to set aside the order.

4. On the other hand, learned Assistant Government Pleader for Revenue submitted that, if the petitioner files a fresh application, the authority concerned would consider the same and prayed to dispose of the Writ Petition in that regard.

5. Perused the record.

6. Taking the submissions of both the learned counsel into consideration, the order impugned is unsustainable both on facts and law and the said order has been passed in clear violation of principles of natural justice and contrary to the Section 5 of the AP ROR Act. As such, this Court is inclined to dispose of the Writ Petition by passing the following order:

"The order impugned dated 16.08.2022 is hereby set aside. The petitioner is at liberty to file a fresh application and raise all the grounds that are raised and urged before this Court. On such application, the authority concerned is directed to consider and dispose of the Writ Petition in accordance with law as expeditiously as possible".

However, the respondent authorities are not precluded to take action in accordance with law if so desired.

7. Accordingly, the Writ Petition is **disposed of**.

There shall be no order as to costs.

Miscellaneous Applications, pending if any, shall stand closed.

//TRUE COPY//

Sd/- U. SRIDEVI
ASSISTANT REGISTRAR
for Sm
SECTION OFFICER

To,

1. The Pri. Secretary, Revenue Department, State of Andhra Pradesh, Secretariat, Velagapudi, Amaravathi, Guntur District.
 2. The District Collector, Eluru District, Eluru
 3. The Revenue Divisional Officer, Jangareddygudem Division, Jangareddygudem, Eluru District.
 4. The Tahasildar, Jangareddygudem Mandal, Jangareddygudem One CC to SRI. P. R. K. AMERANDRA KUMAR Advocate [OPUC]
 5. Two CCs to GP FOR REVENUE, High Court of Andhra Pradesh. [OUT]
 6. Three C.D. Copies
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P. Ananthani

HIGH COURT

DATED:30/11/2023

ORDER

WP.No.29250 of 2023



**DISPOSING OF THE WP
WITHOUT COSTS**

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