APHC010203102019

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3333]**
(Special Original Jurisdiction)

TUESDAY, THE 8th DAY OF SEPTEMBER 2026

PRESENT

THE HONOURABLE SMT JUSTICE V.SUJATHA

WRIT PETITION NOs: 8822, 8823, 6079/2019 & 3809/2020

WRIT PETITION NO: 8822/2019

Between:

1. MINDI NAGA RAJU,, S/O.MINDI APPILI, AGED ABOUT 55 YEARS, R/O.H.NO.4-112, K.S.COLONY, CHEEMALAPALLY VILLAGE, PENDURTHI MANDAL, VISAKHAPATNAM DISTRICT, A.P.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP.BY ITS PRINCIPAL SECRETARY REVENUE DEPARTMENT SECRETARIAT, VELAGAPUDI, AMARAVATHI,A.P.
2. THE DISTRICT COLLECTOR, VISAKHAPATNAM DISTRICT, VISAKHAPATNAM, A.P.
3. THE REVENUE DIVISIONAL OFFICER, VISAKHAPATNAM DIVISION, VISAKHAPATNAM, A.P.
4. THE TAHASILDAR, PENDURTHI MANDAL, VISAKHAPATNAM, A.P.
5. SRI VARAHA LAKSHMI NARASIMHA SWAMY DEVASTHANAM, REP.BY ITS EXECUTIVE OFFICER, SIMHACHALAM, VISAKHAPATNAM.

...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 to issue an appropriate writ order or direction more particularly in the nature of Writ of Mandamus declaring the action of the respondents in interfering with the peaceful possession and enjoyment of the land of the petitioner house site admeasuring 681 Sq.Yards situated in Sy.No.24/3D2, at Cheemalapally Village, Pendurthy Mandal, Visakhapatnam District without pursuing the proceedings in C.C.No.106/75 VSP dated 23-05-1979 and Lcc.No.106/75 (L.R) dt.19-10-95 of the respondents 2 and 3 for demarcation and identification of surplus land retainable land is illegal, arbitrary and violation of fundamental rights guaranteed under Article 300-A of the Constitution of India and consequently to direct the respondents herein not to interfere the petitioner's peaceful possession and enjoyment of the land without following the procedure contemplated in view of the above Ceiling Tribunal proceedings and pass

IA NO: 1 OF 2019

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 direct the respondents herein not to interfere with the peaceful possession and enjoyment of the land of the petitioner admeasuring 681 Sq.Yards, situated in Sy.No.24/3D2, at Cheemalapally Village, Pendurthy Mandal, Visaknapatnam District pending disposal of the above Writ Petition and pass

Counsel for the Petitioner:

1. N SAIDA RAO

Counsel for the Respondent(S):

1. GP FOR REVENUE (AP)

WRIT PETITION NO: 8823/2019

Between:

1. KATAGARLA RAVI RAJU,, S/O.K.CHANDRASEKHAR RAO, AGED ABOUT 30 YEARS, RIOE.NO.2-12, VARALAXMI NAGAR, VEPAGUNTA, VISAKHAPATNAM, VISAKHAPATNAM DISTRICT, A.P.

...PETITIONER

AND

1. THE STATE OF AP, REP.BY ITS PRINCIPAL SECRETARY REVENUE DEPARTMENT SECRETARIAT, VELAGAPUDI, AMARAVATHI,A.P.
2. THE DISTRICT COLLECTOR, VISAKHAPATNAM DISTRICT, VISAKHAPATNAM, A.P.
3. THE REVENUE DIVISIONAL OFFICER, VISAKHAPATNAM DIVISION, VISAKHAPATNAM, A.P.
4. THE TAHASILDAR, PENDURTHI MANDAL, VISAKHAPATNAM, A.P.
5. SRI VARAHA LAKSHMI NARASIMHA SWAMY DEVASTHANAM, REP.BY ITS EXECUTIVE OFFICER, SIMHACHALAM, VISAKHAPATNAM.

...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 toto issue an appropriate writ order or direction more particularly in the nature of Writ of Mandamus declaring the action of the respondents in interfering with the peaceful possession and enjoyment of the land of the petitioner house site admeasuring 400 Sq.Yards situated in Sy.No.24/3D2, at Cheemalapally Village, Pendurthy Mandal, Visakhapatnam District without pursuing the proceedings in C.C.No.106/75 VSP dated 23-05-1979 and Lcc.No.106/75 (L.R) dt.19-10-95 of the respondents 2 and 3 for demarcation and identification of surplus land retainable land is illegal, arbitrary and violation of fundamental rights guaranteed under Article 300-A of the Constitution of India and consequently to direct the respondents herein not to interfere the petitioner's peaceful possession and enjoyment of the land without following the procedure contemplated in view of the above Ceiling Tribunal proceedings and pass

IA NO: 1 OF 2019

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 direct the respondents herein not to interfere v-'th the peaceful possession

and enjoyment of the land of the petitioner admeasuring 400 Sq.Yards, situated in Sy.No.24/3D2, at Cheemalapally Village, Pendurthy Mandal, Visakhapatnam District pending disposal of the above Writ Petition and pass

Counsel for the Petitioner:

1. N SAIDA RAO

Counsel for the Respondent(S):

1. CHINTAPALLI SRINIVAS
2. GP FOR REVENUE (AP)

WRIT PETITION NO: 3809/2020

Between:

1. KALAGARLA VANISRI,, W/O.K.CHANDRASEKHAR RAO, AGED ABOUT 47 YEARS, .OCC.HOUSE WIFE, R/O. VEPAGUNTA,VISAKHAPATNAM, VISAKHAPATNAM DISTRICT, A.P.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP.BY ITS PRINCIPAL SECRETARY REVENUE DEPARTMENT SECRETARIAT, VELAGAPUDI, AMARAVATHI, GUNTUR DISTRICT.
2. THE DISTRICT COLLECTOR, VISAKHAPATNAM DISTRICT, VISAKHAPATNAM, A.P.
3. THE REVENUE DIVISIONAL OFFICER, VISAKHAPATNAM DIVISION, VISAKHAPATNAM, A.P.
4. THE TAHASILDAR, PENDURTHI MANDAL, VISAKHAPATNAM, A.P.
5. SRI VARAHA LAKSHMI NARASIMHA SWAMY DEVASTHANAM, REP.BY ITS EXECUTIVE OFFICER, SIMHACHALAM, VISAKHAPATNAM 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 toto issue an appropriate writ order or direction more particularly in the nature of Writ of Mandamus declaring that the action of the respondents in interfering with the peaceful possession and enjoyment of the house site of the petitioner admeasuring 553.55 sq.yards, situated in Sy.No.24/3D2, at Varalaxmi Nagar, Cheemalapally Village, Pendurthy Mandal, Visakhapatnam District, without demarcating and identifying the surplus and retainable land in pursuance of the proceedings No.CC.No.106/75 VSP dt.23-05-1979 issued by the Respondent No.3 Lands Reforms Tribunal, Visakhapatnam and without any due process of law is illegal, arbitrary against the fundamental rights of the petitioner, consequently direct the respondents herein to demarcate and identify the surplus land retainable land in pursuance of the said proceedings of Lands Reforms Tribunal, Visakhapatnam, within 2 months or any particular time as directed by this Hon'ble Court,

IA NO: 1 OF 2020

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 direct the respondents to demarcate and identify the land surplus land and retainable land in Sy.No.24/3D2 of Cheemalapally Village, Pendurthy Mandal, Visakhapatnam, in pursuance of the Proceedings No. C.C.No.106/1975, VSP dt.23-5-1979 issued by Lands Reforms Tribunal, Visakhapatnam immediately, pending disposal of the above writ petition

IA NO: 2 OF 2020

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 direct the respondents herein not to interfere with the peaceful possession of the petitioner's house site admeasuring 553.55 sq.yards, situated in Sy.No.24/3D2, of Varalaxmi Nagar, Cheemalapally Village, Pendurthy Mandal, Visakhapatnam District pending disposal of the above Writ Petition,

Counsel for the Petitioner:

1. N SAIDA RAO

Counsel for the Respondent(S):

1. GP FOR REVENUE (AP)

WRIT PETITION NO: 6079/2019

Between:

1. SMT. KARAGARLA VANISRI, W/O.K.CHANDRASEKHAR RAO, AGED ABOUT 47 YEARS, OCC- HOUSE WIFE, R/O.VEPAGUNTA, VISAKHAPATNAM, VISAKHAPATNAM DISTRICT, A.P.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP.BY ITS PRINCIPAL SECRETARY REVENUE DEPARTMENT SECRETARIAT, VELAGAPUDI, AMARAVATHI,A.P.
2. THE DISTRICT COLLECTOR, VISAKHAPATNAM DISTRICT, VISAKHAPATNAM, A.P.
3. THE REVENUE DIVISIONAL OFFICER, VISAKHAPATNAM DIVISION, VISAKHAPATNAM, A.P.
4. THE TAHASILDAR, PENDURTHI MANDAL, VISAKHAPATNAM, A.P.
5. INDIAN TRIBAL DEVELOPMENT AUTHORITY, PAADERU POST AND MANDAL, VISAKHAPATNAM DISTRICT, A.P.

...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 topleased to issue an appropriate writ order or direction more particularly in the nature of Writ of Mandamus by declaring the action of the respondents in interfering with the peaceful possession and enjoyment of the land of the petitioner house site admeasuring 949.83 .Sq. yards situated in Sy.No.24/3D2, at Varalaxmi Nagar, Cheemalapally Village, Pendurthy Mandal, Visakhapatnam District without initiating any proceedings known to the law, as illegal, arbitrary and violation of Article 300-A, and fundamental rights guaranteed under Constitution of India, and consequently direct the respondents herein to refrain from doing so

IA NO: 1 OF 2019

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 pleased to direct the respondents herein not to interfere with the peaceful possession and enjoyment of the land of the petitioner admeasuring 949.83 .Sq. yards, situated in Sy.No.24/3D2, at Varalaxmi Nagar, Cheemalapally Village, Pendurthy Mandal, Visakhapatnam District pending disposal of the above Writ Petition

IA NO: 2 OF 2019

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 granted on 30.04.2019 in W.P No. 6079 of 2019

Counsel for the Petitioner:

1. N SAIDA RAO

Counsel for the Respondent(S):

1. GP FOR REVENUE (AP)
2. GP FOR SOCIAL WELFARE (AP)

The Court made the following:

COMMON ORDER:

All these writ petitions have been filed by different petitioners, but the issue involved in these petitions is one and the same. Hence, I feel it appropriate to decide the issue involved in all these writ petitions by way of a common order, taking W.P.No.8822 of 2019 as a leading case.

W.P.No.8822 of 2019 came to be filed under Article 226 of the Constitution of India, seeking the following prayer:

> "…to issue an appropriate writ order or direction more particularly in the nature of Writ of Mandamus declaring the action of the respondents in interfering with the peaceful possession and enjoyment of the land of the petitioner house site admeasuring 681 Sq.Yards situated in Sy.No.24/3D2, at Cheemalapally Village, Pendurthy Mandal, Visakhapatnam District without pursuing the proceedings in C.C.No.106/75 VSP dated 23-05-1979 and Lcc.No.106/75 (L.R) dt.19-10-95 of the respondents 2 and 3 for demarcation and identification of surplus land retainable land is illegal, arbitrary and violation of fundamental rights guaranteed under Article 300-A of the Constitution of India and consequently to direct the respondents herein not to interfere the petitioner's peaceful possession and enjoyment of the land without following the procedure contemplated in view of the above Ceiling Tribunal proceedings and pass…"

2. The petitioner claims to be the owner and possessor of a residential house site admeasuring 681 sq. yards in Sy.No.24/3D2 of Cheemalapally Village, Pendurthy Mandal, Visakhapatnam District out of the entire extent of Acs.31.96 cents in Sy.No.24/3D2. The said land was

purchased by the predecessors-in-title through registered sale deeds and was subsequently acquired by Puvvada Padmavathi and Ghanta Satyavathi, who purchased different portions of the said extent. The petitioner further states that the said Puvvada Venkateswara Rao, as GPA holder of Puvvada Padmavathi and Ghanta Satyavathi, filed a declaration under the A.P. Land Reforms (Ceiling on Agricultural Holdings) Act, 1973, in C.C.No.106/1975, wherein, an extent of Ac.17.68 cents was treated as surplus land, while the remaining extent was treated as retainable, vide order dated 23.05.1979.

3. Thereafter, the then District Collector, Visakhapatnam addressed a letter to the then Revenue Divisional Officer, Visakhapatnam vide LCC.No.106/75 (L.R), dated 19.10.1995 stating that though 13 years have passed by, no tangible action could be taken in the matter to hand over the surplus land to the owner; thus, he directed the Revenue Divisional Officer to instruct the Mandal Revenue Officer, Pendurthi to handover the physical possession of surplus land to Simhachalam Devsasthanam and report compliance. The grievance of the petitioner is that, despite the above proceedings, the respondent authorities, without demarcating or identifying the surplus land, are trying to interfere with the possession and enjoyment of the petitioner over the land admeasuring 681 square yards situated in Sy.No.24/3D2 of Cheemalapally village,

Pendurthy mandal, Visakhapatnam district. Aggrieved by the same, the present writ petition is filed.

4. The 4th respondent filed a detailed counter affidavit stating that Cheemalapalli village was one of the Mokhasa villages forming part of the Vizianagaram Estate. The village was granted as an “Inam” in favour of Sri Varaha Lakshmi Narasimhaswamy Devasthanam, Simhachalam, by the king of Vizianagaram, and the grant was subsequently confirmed by the Inam Commissioner under T.D. No.1191. Following abolition of the Estates, the village was taken over by the Government and proceedings under the A.P. Inams (Abolition and Conversion into Ryotwari) Act, 1956 were initiated. It is stated that Sy.No.24 of Cheemalapalli village comprises a total extent of Ac.52.56 cents and that it consists of two subdivisions, namely Sy.No.24/1 admeasuring Ac.7.75 cents and Sy.No.24/2 admeasuring Ac.44.81 cents. According to the revenue records, Sy.No.24/1 was classified as Inam dry land, whereas Sy.No.24/2 was classified as Government land. It is further contended that a ryotwari patta in Form-VIII was granted in favour of S.V.L.N.S. Devasthanam for Acs.7.75 cents covered by Sy.No.24/1 under Section 7(1) of the A.P. Inams (Abolition and Conversion into Ryotwari) Act, 1956 and the remaining extent of Ac.44.81 cents covered by Sy.No.24/2 was declared vested in the Government, free from encumbrances, under Section 2(A) of the said Act. Out of the total extent of Government land in Sy.No.24/2, an

extent of Acs.5.00 cents was handed over by the Tahsildar, Pendurthi, to the Project Director, ITDA, Paderu, on 17.10.2012 for construction of a Youth Training Centre. During the course of construction, certain persons approached this Court by filing W.P.No.472 of 2013, wherein, this Court initially directed the respondents not to proceed with construction over the subject land and subsequently dismissed the writ petition on 27.12.2013.

5. It is further stated in counter affidavit that neither the persons referred to by the petitioner nor the petitioner's vendors obtained any ryotwari patta in respect of the subject land under the 1956 Act. Further, Smt.Puvvada Sridevi, who is stated to be the petitioner's vendor, was not granted any ryotwari patta in Sy.No.24, except the patta granted to S.V.L.N.S. Devasthanam for Ac.7.75 cents in Sy.No.24/1. It is further contended that as per the proceedings under the A.P. Land Reforms (Ceiling on Agricultural Holdings) Act, 1973, an extent of Acs.17.68 cents in Sy.No.24/3D2 was ordered to revert to Simhachalam Devasthanam, however, no subdivision bearing Sy.No.24/3D2 is found in the Field Measurement Book or the revenue records of Cheemalapalli village. As such, the petitioner's vendors had no valid title or ryotwari patta over the subject land and the land in Sy.No.24/2 belongs to the Government. Hence, requested to dismiss the writ petition.

6. Heard Sri. N. Saida Rao, learned counsel for the petitioner, learned Assistant Government Pleader for Revenue and Ms. K. Saritha,

learned counsel representing Sri. Ch. Srinivas, learned Standing Counsel for the 5th respondent.

7. Perused the entire material available on record. Admittedly, there is a dispute regarding the identity of the subject land, particularly with regard to the existence of Sy.No.24/3D2 and the proceedings under the A.P. Land Reforms (Ceiling on Agricultural Holdings) Act, 1973. However, the proceedings dated 23.05.1979 in C.C.No.106/1975, by way of which the land admeasuring Acs.17.68 cents was treated as surplus land and the consequential letter of the District Collector dated 19.10.1995 through which the concerned authorities were directed to handover the physical possession of the surplus land to Simhachalam Devasthanam, are not in dispute. The respondents contend that, as per the revenue records, Sy.No.24 consists only of Sy.Nos.24/1 and 24/2. In such a case, before interfering with the petitioner's possession over the extent of 681 square yards, the revenue authorities should have first identified and demarcated the land covered by the surplus proceedings by verifying the relevant revenue records, including the FMB, settlement records and the proceedings in C.C.No.106/1975.

8. In view of the detailed order passed in W.P.No.8822 of 2019, the other writ petitions also deserve to be disposed of on same lines.

9. Accordingly, these writ petitions are disposed of and the respondent authorities are directed not to interfere with the petitioners'

possession over their respective lands situated in Sy.No.24/3D2 of Cheemalapally village, Pendurthy mandal, Visakhapatnam district, without following due process of law.

Consequently, Miscellaneous Petitions, if any, pending in these Petitions shall stand closed.

JUSTICE V.SUJATHA

08.09.2026
Gss