APHC010883852018

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

WEDNESDAY, THE 5th DAY OF AUGUST 2026

PRESENT

THE HONOURABLE SMT JUSTICE V.SUJATHA

WRIT PETITION NO: 42740 OF 2018

Between:

1. Mandala Dhanalaxmi, W/o Late Jaya Syamala Rao, Aged 80 years, Occu. Housewife, residents of Ravichattu Junction, Modugula, Visakhapatnam, Visakhapatnam District-531 027.

2. Mandala Chaya Ram, S/o. Late Jaya Syamala Rao, aged. 55 years, Occ. Agriculture,

3. Mandala Venkata Bhaskar Rao, S/o. Late Jaya Syamala Rao, aged. 53 years, Occ. Agriculture,

4. Mandala Venkata Subbayya, S/o. Late Jaya Syamala Rao, aged. 49 years, Occ. Agriculture,

5. Mandala Satyzit Roy, S/o. Late Jaya Syamala Rao, aged. 46 years, Occ. Agriculture,

6. Mandala Kanakaji, S/o. Late Jaya Syamala Rao, aged. 44 years, Occ. Employee, All are residents of Ravichattu Junction, Modugula, Visakhapatnam, Visakhapatnam District-531 027.

...Petitioners

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary, Department of Revenue, AP Secretariat, Hyderabad.

2. The District Collector, Visakhapatnam, Visakhapatnam District.

3. The SubRegistrar, Madugula, Visakhapatnam District,

4. The Commissioner, Department of Endowment, Secretariat Buildings at Velgapudi, Guntur District.

5. Sri Radhakanthaswamy Vari Temple, Madugula, Visakhapatnam District, Rep by its Executive Officer.

...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 toto issue a Order, Direction or Writ, more particularly one in the nature of Writ of Mandamus, declaring the proceedings issued under Section 22-(A)(1)(C) of Registration Act, by 2nd respondent to the 3rd respondent, prohibiting the petitioners properties covered under Sy. Nos. 324/2, 329/1, 329/5, 329/4, 329/3, 337, 338/1, 338/2 339, 340/1 and 341 to an extent of Ac 98.22 Cents situated at Madugula Village and Mandal of Visakhapatnam District as illegal, arbitrary and against the provisions of Registration Act and settled principles of law, in violation of principles of natural justice. consequently direct the respondents 2 and 3 to receive and register the subject properties and release the documents and to pass

IA NO: 1 OF 2018

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 2 and 3 to receive and register the petitioners properties covered under Sy. Nos. 324/2, 329/1, 329/5, 329/4, 329/3, 337, 338/1, 338/2 339, 340/1 and 341 to an extent of Ac 98.22 Cents situated at Madugula Village and Mandal of Visakhapatnam District and release the documents, pending disposal of the main writ petition and to pass

Counsel for the Petitioners: AKKAM ESHWAR

Counsel for the Respondents: GP FOR ASSIGNMENT (AP) Counsel for the Respondents: SAI GANGADHAR CHAMARTY Counsel for the Respondents: GP FOR ENDOWMENTS (AP) Counsel for the Respondents: ELEVATED AS JUDGE

The Court made the following

ORDER:

The present Writ Petition came to be filed under Article 226 of the Constitution of India seeking the following relief:-

> *"… to issue a Order, Direction or Writ, more particularly one in the nature of Writ of Mandamus declaring the proceedings issued under Section 22-(A)(1)(C) of Registration Act, by 2nd respondent to the 3rd respondent, prohibiting the petitioners properties covered under Sy.Nos.324/2, 329/1, 329/5, 329/4, 329/3, 337, 338/1, 338/2, 339, 340/1 and 341 to an extent of Ac.98.22 Cents situated at Madugula Village and Mandal of Visakhapatnam District as illegal, arbitrary and against the provisions of Registration Act and settled principles of law, in violation of principles of natural justice. Consequently direct the respondents 2 and 3 to receive and register the subject properties and release the documents …."*

2. The brief facts of the case are as follows:

a) The petitioners claim to be the owners and possessors of the subject lands, admeasuring Ac.98.22 cents in various survey numbers situated at Madugula Village and Mandal, Visakhapatnam District. It is the case of the petitioners that the lands were originally purchased by their grandfather, late Sri Mandala Chinna Rama Murthy, under various registered sale deeds during the period from 1943 to 1951 from the then Zamindar of Madugula. The Madugula Zamin was subsequently taken over by the Government under the Andhra Pradesh (Andhra Area) Estates Abolition and Conversion into Ryotwari Act, 1948, and patta was granted in favour of the petitioners' father under Section 11 of the said Act.

b) The 5th respondent-Sri Radhakanthaswamy Vari Temple had earlier instituted O.S.No.49 of 1957 before the Subordinate Judge, Visakhapatnam, seeking declaration of title over the subject lands. The suit was decreed and, after subsequent appellate proceedings, the petitioners' father preferred Second Appeal No.729 of 1969 before this Court, challenging the same. Vide order dated 17.12.1983, the Division Bench of this Court allowed the appeal, holding that the suit was not maintainable and directing return of the plaint. The said order attained finality.

c) Thereafter, the name of the petitioners' father was reflected in the revenue records. Subsequently, his name was deleted from the said records. Therefore, he filed W.P.No.21289 of 2016 before this Court seeking restoration of his name in the revenue records. This Court, vide order dated 19.07.2016, directed the Tahsildar to consider his representations and pass appropriate orders after issuing notice to the 5th respondent. Thereafter, the 5th respondent challenged the proceedings of the District Collector dated 24.06.2017 by filing W.P.No.38040 of 2017, wherein, this Court, vide order dated 11.07.2018, set aside the said proceedings and directed the Tahsildar to consider the representations of the petitioners' father dated 11.01.2016 and 23.05.2016. Pursuant to the said directions, the Tahsildar, after conducting an enquiry, passed proceedings in Rc.No.354/2016/B, dated 23.08.2018, restoring the names of the petitioners in the revenue records. Pattadar Pass Books, Title Deeds and Form-1B/ROR records were also issued in their

favour. The said proceedings have attained finality, as the same were not challenged by the 5th respondent.

d) While so, when the petitioners sought to alienate a portion of the subject lands, the 3rd respondent refused to receive and register the documents. On obtaining information under the Right to Information Act, the petitioners came to know that the subject lands were included in the prohibited properties list under Section 22-A(1)(c) of the Registration Act, 1908. Aggrieved by which, the present Writ Petition has been filed.

3 Respondent No.3 has filed a counter-affidavit stating that, pursuant to the Full Bench judgment of this Court in ***Vinjamuri Rajagopalachari vs. State of Andhra Pradesh***[1], the Commissioner, Endowments Department, Hyderabad vide letter Rc.No.L3/9570/2016 dated 28.07.2016, furnished a list of properties owned by Charitable and Hindu Religious Institutions and Endowments for the purpose of prohibition under Section 22-A(1)(c) of the Registration Act, 1908. It is further stated that the lands in Sy.Nos.324/2 to an extent of Ac.11.07 cents, 329/1 to an extent of Ac.26.86 cents, 329/5 to an extent of Ac.0.60 cents, 329/4 to an extent of Ac.1.83 cents, 329/3 to an extent of Ac.7.84 cents, 337 to an extent of Ac.4.50 cents, 338/1 to an extent of Ac.0.74 cents, 338/2 to an extent of Ac.8.15 cents, 339 to an extent of Ac.21.30 cents, 340/1 to an extent of Ac.3.57 cents and 341 to an extent of Ac.22.01 cents are included in the said list which shows that the said lands belongs to Sri Radhakantha Swamy Temple, Madugula, Visakhapatnam

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District and the same was informed to the petitioners through office letter dated 31.10.2018 when they sought information under RTI Act. It is further held in the said judgment that, if the relevant property/land finds place in the list of properties covered by clauses (a) to (d) of Section 22-A(1) of the Registration Act, the aggrieved person may approach the competent authority for deletion of his/her land from the said list.

4. In view of the above, as the petitioners claims that the subject land is a private patta lands, it is open to the petitioners to approach the competent authority by making an appropriate application seeking deletion of the subject land from the prohibited properties list furnished vide proceedings dated 28.07.2016, duly enclosing all the requisite documents in support of their claim of title over the subject land. Upon receipt of such application, the respondent authorities shall consider the same and pass appropriate orders, in accordance with law, after affording an opportunity of hearing to the petitioners.

5. With the above directions, the Writ Petition is disposed of. There shall be no order as to costs.

As a sequel, Interlocutory Applications pending, if any, shall stand closed.

JUSTICE V.SUJATHA

Dated: 05.08.2026
KGR