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

TUESDAY, THE TWENTY FIRST DAY OF JANUARY
TWO THOUSAND AND TWENTY FIVE

PRESENT

HON'BLE SRI JUSTICE GANNAMANENI RAMAKRISHNA PRASAD

WRIT PETITION NO: 328 OF 2025

Between:

1. Bhogaraju Rama Raju, S/o.Late Bhogaraju Ganadhara Rao, Aged about 68 years, R/o. H.No.2-31, Tirumalapalem Village, Dwaraka Tirumala Mandal, Eluru District, A.P.
2. Bhogaraju Krishna Sesha Sai, S/o.Lakshmi Narasimham, Aged about 50 years, R/o. H.No.2-65, Tirumalapalem Village, Dwaraka Tirumala Mandal, Eluru District, A.P.

...PETITIONERS

AND

1. The State of AP, Rep. by its Principal Secretary, Revenue Department, Secretariat, Velagapudi, Amaravati, Guntur District.
2. The District Collector, Eluru District, Eluru, A.P.
3. The Revenue Divisional Officer, Jangareddygudem, Eluru District.
4. The Tahsildar, Dwaraka Tirumala Mandal Eluru District.
5. Bhogaraju Venkata Bala Gangadhara Rao, S/o.Late Sadasiva Rao, Aged about 58 years, R/o. Tirumalapalem Village, Dwaraka Tirumala Mandal, Eluru District, A.P.
6. Veerla Venkata Satya Narayana, S/o.Nageswara Rao Aged about 48 years, R/o.Pavulurivari Gudem Village, Dwaraka Tirumala Mandal, Eluru District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India is filed praying that in the circumstances stated in the affidavit filed therewith, the High

Court may be pleased to issue a Writ, Order or direction more particularly one in the nature of mandamus, declaring the inaction of the Respondents in not taking the action against the Respondents 5 and 6 for alienating the L.D. Patta Land an extent of Ac.2.48 cents in Sy.No.481/2 and an extent of Ac.1.09 cents in Sy.No.482/1A-1, situated in Tirumalapalem Village, Dwaraka Tirumala Mandal, Eluru District, illegally to the Respondent No.6, as illegal, arbitrary, violative of Articles 19, 300-A of the Constitution of India, consequently direct the Respondents 2 to 4 to initiate an enquiry in respect of the subject land according with law.

IA NO: 1 OF 2025

Petition under Section 151 CPC is filed 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 to 4 to take action on the Petition, Dt.21.12.2024 submitted by the Petitioners in accordance with law, pending disposal of writ petition.

Counsel for the Petitioners: SRI SARIPALLI SUBRAHMANYAM

Counsel for the Respondent Nos. 1 to 4: ASST. GP FOR REVENUE

Counsel for the Respondent Nos. 5 & 6: ----

The Court made the following: ORDER

APHC010005352025

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

[3328]

TUESDAY ,THE TWENTY FIRST DAY OF JANUARY TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE GANNAMANENI RAMAKRISHNA PRASAD

WRIT PETITION NO: 328 OF 2025

Between:

1. BHOGARAJU RAMA RAJU, S/O.LATE BHOGARAJU GANADHARA RAO, AGED ABOUT 68 YEARS, R/O. H.NO.2-31, TIRUMALAPALEM VILLAGE, DWARAKA TIRUMALA MANDAL, ELURU DISTRICT, A.P.
2. BHOGARAJU KRISHNA SESHA SAI,, S/O.LAKSHMI NARASIMHAM, AGED ABOUT 50 YEARS, R/O. H.NO.2-65, TIRUMALAPALEM VILLAGE, DWARAKA TIRUMALA MANDAL, ELURU DISTRICT, A.P.

...PETITIONER(S)

AND

1. THE STATE OF AP, REP. BY ITS PRINCIPAL SECRETARY, REVENUE DEPARTMENT, SECRETARIAT, VELAGAPUDI, AMARAVATI, GUNTUR DISTRICT.
2. THE DISTRICT COLLECTOR, ELURU DISTRICT, ELURU, A.P.
3. THE REVENUE DIVISIONAL OFFICER, JANGAREDDYGUDEM, ELURU DISTRICT.
4. THE TAHSILDAR, DWARAKA TIRUMALA MANDAL ELURU DISTRICT.
5. BHOGARAJU VENKATA BALA GANGADHARA RAO, S/O.LATE SADASIVA RAO, AGED ABOUT 58 YEARS, R/O. TIRUMALAPALEM VILLAGE, DWARAKA TIRUMALA MANDAL, ELURU DISTRICT, A.P.

6.VEERLA VENKATA SATYA NARAYANA, S/O.NAGESWARA RAO AGED ABOUT 48 YEARS, R/O.PAVULURIVARI GUDEM VILLAGE, DWARAKA TIRUMALA MANDAL, ELURU DISTRICT.

...RESPONDENT(S):

Counsel for the Petitioner(S):

1.SARIPALLI SUBRAHMANYAM

Counsel for the Respondent(S):

1.GP FOR REVENUE

The Court made the following ORAL ORDER:

Heard Sri Saripalli Subrahmanyam, learned Counsel for the Writ Petitioners and Sri Arjun Chowdary, learned Asst. Government Pleader for Revenue.

2. Learned Asst. Government Pleader has submitted the Written Instructions dated:04.01.2025 along with an Endorsement issued by the Tahsildar, dated: 06.01.2025, furnished by the Tahilsdar, Dwaraka Tirumala Mandal. Copies of the documents have been served on the learned Counsel for the Writ Petitioners and the same are taken on record.

3. The said Endorsement dated: 06.01.2025, is in response to the Representation submitted by the Writ Petitioners. The said Endorsement would indicate that there are civil disputes between the Writ Petitioners and the Unofficial Respondents. It is also stated that if any issue is brought before the Respondent Authorities that the terms of the D-Form Patta have been violated, the Respondent Authorities would initiate suitable action.

4. Learned Counsel for the Writ Petitioners has drawn the attention of this Court to the Representation submitted by the Writ Petitioners dated: 21.12.2024 (Ex.P.1) and the Agreement of Sale dated: 20.09.2024 (Ex.P.3) executed by the Respondent No.5. Learned Counsel for the Writ Petitioners has also drawn the attention of this Court to the Para No.4 of the Representation submitted by them on 21.12.2024, which reads as under:

"After such mutation of his name the said Bhogaraju Venkata Bala Gangadhararao S/o. Late Sadasivarao and by showing his mother dead person as one of the vendor executed stamped agreement of sale in favour of Veerla Venkata Satyanarayana, S/o. Nageswara Rao on 20.09.2024 for sale of said L.D. Patta land Ac.1.50 cents out of Ac.2.48 cents and Ac.1.09 cents @ Rs.22,00,000/- per acre ie. Rs.33,00,000/- and received advance sale consideration of Rs.5,00,000/-. We are herewith submitting Zerox copy of said sale agreement dated 20.09.2024 and the same may be read as part of this petition."

5. Since the present Endorsement dated: 06.01.2025 along with the present Written Instructions does not reflect the fact that, the Official Respondents have considered the contents of the Representation of the Writ Petitioners dated: 21.12.2024 and the Agreement of Sale executed by the Respondent No.5 in favour of the Respondent No.6 dated: 20.09.2024, the Endorsement dated: 06.01.2025 issued by the Tahsildar, Dwarka Tirumala Mandal, Eluru District is set-aside. Further, the Competent Authority shall now consider the contents of the Representation, particularly Para No.4 of the Representation in (Ex.P.1) of the Writ Petitioners with reference to the Ex.P.3, which is an Agreement of Sale dated: 20.09.2024 and pass a fresh Endorsement.

6. Accordingly, this Writ Petition is allowed to the above extent. No order as to costs.

7. Needless to state that the Official Respondent No.4 is statutorily obligated to follow the Principles of Natural Justice by issuing Advance Notice to all the parties including the Writ Petitioner as well as the Unofficial Respondents, consider their submissions/objections and documents, if any, before passing the Final Order.

8. There shall be a further direction that the Final Order shall be passed within a period of four weeks, after conclusion of the enquiry.

9. Interlocutory Applications, if any, stand closed in terms of this order.

Sd/- M SRINIVAS
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The State of AP, Principal Secretary, Revenue Department, Secretariat, Velagapudi, Amaravati, Guntur District.
2. The District Collector, Eluru District, Eluru, A.P.
3. The Revenue Divisional Officer, Jangareddygudem, Eluru District.
4. The Tahsildar, Dwaraka Tirumala Mandal Eluru District.
5. One CC to Sri Saripalli Subrahmanyam Advocate [OPUC]
6. Two CCs to GP for Revenue, High Court of Andhra Pradesh. [OUT]
7. Three CD Copies

TF

HIGH COURT

DATED:21/01/2025 TL

ORDER

WP.No.328 of 2025



ALLOWING THE W.P. WITHOUT COSTS