APHC010577262024

[3328]

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

THURSDAY ,THE SECOND DAY OF JANUARY
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE GANNAMANENI RAMAKRISHNA PRASAD

WRIT PETITION NO: 30135 OF 2024

Between:

1. M MALLESWARI, W/O. VENKATESWARA PRASAD, AGED ABOUT 38 YEARS R/O. 4/114G-2, USMANAGAR, RAJAMPETA, ANNAMAYA DISTRICT, ANDHRA PRADESH- PIN 516115.
2. P. VIJAYAMMA, W/O. SUBRAMANYAM NAIDU, AGED ABOUT 46 YEARS R/O. 4/114G-2, USMANAGAR, RAJAMPETA, ANNAMAYA DISTRICT, ANDHRA PRADESH- PIN 516115.

...PETITIONER(S)

AND

1. THE STATE OF AP, REP. BY ITS PRINCIPAL SECRETARY, DEPARTMENT OF REVENUE, A.P. SECRETARIAT, VELAGAPUDI, AMARAVATHI.
2. THE DISTRICT JOINT COLLECTOR, YSR KADAPA DISTRICT.
3. THE REVENUE DIVISIONAL OFFICER, BADVEL REVENUE DISTRICT.
4. THE TAHSILDAR, BRAHMAMGARI MATTAM MANDAL, YSR KADAPA DISTRICT.

...RESPONDENT(S):

Counsel for the Petitioner(S):

1. TIRUMALA VIDYA CHARAN

Counsel for the Respondent(S):

1. GP FOR REVENUE

The Court made the following ORAL ORDER:

Heard Ms. Tirumala Vidya Charan, learned Counsel for the Writ Petitioners and Sri Arjun Chowdary, learned Asst. Government Pleader for Revenue.

2. In compliance of the directions of this Court dated: 20.12.2024, learned Asst. Government Pleader has submitted the Written Instructions furnished by the Tahsildar, dated: 28.12.2024, furnished by the B. Mattam Mandal, YSR District. Copy of it is supplied to the learned Counsel for the Writ Petitioners and the same is taken on record.

3. The Written Instructions would indicate that no Notices were issued to any of the parties before moving the entries into the Discrepancy Register. It is stated in the Written Instructions that pertaining to the entries placed in the Discrepancy Register on 21.10.2015, no record is available in the Tahsildar's Office to indicate that prior Notices were issued to all the interested parties before effecting such changes.

4. Having regard to the above facts, this Court is of the opinion that the changes effected by the Official Respondents unilaterally and without issuing advance notices to the parties who are likely to be affected are unsustainable in law. Accordingly, the Proceeding dated: 21.10.2015 is set aside. There shall be a direction to restore *Status quo ante*. The Respondents are at liberty to initiate fresh Proceedings by adhering to the Principles of Natural Justice and by issuing Advance Notices to all such parties who may be affected before undertaking any change of entries in the Revenue Records, including the Discrepancy Register.

5. Since the Written Instructions would indicate that there is no availability of any proof to indicate that the Official Respondents have issued Advance Notices to the Writ Petitioners, it shall be deemed that advance

notices were not served on the parties who are likely to be affected, which is a violation of the Principles of Natural Justice. Accordingly, there shall be a direction to the District Collector, YSR Kadapa District (Respondent No.2) to firstly identify and then cause Departmental Enquiry against the Officer, who had moved the entries into the Discrepancy Register on 21.10.2015 without serving Notices on the affected parties in violation of statutory norms. Appropriate action shall be initiated against the Officer who is responsible for violation of the statutory norms.

6. Learned Asst. Government Pleader is directed to communicate the gist of this Order to the District Collector, YSR Kadapa District (Respondent No.2) for initiating appropriate action.

7. Accordingly, this Writ Petition is allowed to the above extent. There shall be a further direction to restore the names of the Writ Petitioners in the Revenue Record. No order as to costs.

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

GANNAMANENI RAMAKRISHNA PRASAD, J

Dt: 02.01.2025

Mnr

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HON'BLE SRI JUSTICE GANNAMANENI RAMAKRISHNA PRASAD

WRIT PETITION No.30135 OF 2024

Dt: 02.01.2025
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