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

MONDAY, THE THIRD DAY OF FEBRUARY
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

WRIT PETITION NO: 40013 OF 2022

Between:

Nimmala Srinivas, S/o.Late Nimmala Swami, Aged about 38 years, D.No.27/113-2, Sundaraiah Nagar, Dharamavaram Village & Mandal, Ananthapur(Sri Satya Sai) District.

...PETITIONER

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary, Revenue Department, Secretariat Buildings, Velagapudi, Guntur District.
2. The District Collector, A. Ananthapur(Sri Satya Sai) District
3. The Revenue Divisional Officer, Dharmavaram, Ananthapur(Sri Satya Sai) District.
4. The Tahsildar, Kanagani palli Mandal, Ananthapur(Sri Satya Sai) District.

...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 an appropriate writ or any other order or direction particularly one in the nature of ***WRIT OF MANDAMUS*** declaring the action of 2nd issue proceedings R.Dis.No. Land-1/1112/2022 dated 11-11-2022, rejected the petitioner clime for deletion prohibitory list as under section 22(A)(1) on the revenue records in respect of land Sy.No.585-2A1 an extent of Ac.14.90 Cents Daduluru Village, Kanganapalli Mandal, Ananathapur(Sri Satya Sai) District as illegal,

arbitrary and violation of the Articles 14 & 300A of Constitution of India and contrary to the provisions of the A.P.Assigned land(Prohibition of Transfers) Act 1977 and consequently direct the respondents not to interfere with the petitioner land.

IA NO: 1 OF 2022

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 not to interfere with the petitioner possession and enjoyment over the land being an in respect of land Sy. No. 585-2A1 an extent of Ac.14.90 Cents Daduluru Village, Kanganapalli Mandal, Ananathapur(Sri Satya Sai) District, pending disposal of the Writ Petition.

Counsel for the Petitioner: SRI K.SRINIVAS

Counsel for the Respondents: SRI KRISHNA PRANEETH, ASST.GP FOR REVENUE

The Court made the following: ORDER

APHC010674452022

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI [3332]
(Special Original Jurisdiction)

MONDAY, THE THIRD DAY OF FEBRUARY
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

WRIT PETITION NO: 40013/2022

Between:

Nimmala Srinivas ...PETITIONER

AND

The State of Andhra Pradesh and others ...RESPONDENT(S)

Counsel for the Petitioner:

1. K SRINIVAS

Counsel for the Respondent(S):

1. GP FOR REVENUE

The Court made the following order:

Impugning the proceedings *vide* R.DisNo.Land-1/1112/2022 dated 11.11.2022 of respondent No.2 in rejecting the petitioner's claim for deletion of his agricultural land situated in survey No.585-2A1 to an extent of Ac.14.90 cents in Daduluru village, Kanganapalli Mandal, Ananthapur (Sri Satya Sai) District from the Prohibited Properties List under Section 22(A)(1) of the Registration Act, 1908, the present Writ Petition is filed.

2. Heard Sri K.Srinivas, learned counsel for the petitioner and Sri Krishna Praneeth, learned Assistant Government Pleader for the respondents.

3. Learned counsel for the petitioner in elaboration to what has been stated in the affidavit contented that respondent No.4 has issued D-form patta in favour of petitioner's father with regard to the subject property after his death, it was devolved upon the petitioner being his legal heir and now the petitioner is cultivating the said land. The revenue authorities have entered his name in revenue records with regard to the subject property. He further submitted that recently the authorities have entered the subject property in the Prohibited Properties List. When the petitioner made a detailed representation dated 05.01.2022 to the respondent authorities to delete the subject land from the Prohibited Properties List, respondent No.2 has rejected the claim of petitioner basing on the recommendations made by the Revenue Divisional Officer on the ground that the said D-form patta is a fake document. He further submitted that respondent No.2 has not supplied the report of the Revenue Divisional Officer to the petitioner before issuing the impugned proceedings, which amounts to clear violation of principles of natural justice. As such, prayed to set aside the impugned proceedings.

4. On the other hand, learned Assistant Government Pleader, while reiterating the contents of the counter affidavit contended that perusal of the reports of the Tahsildar and the Revenue Divisional Officer and on verification of village accounts, the land in survey No.585-2 to an extent of Ac.25.78 cents is classified as Government Poramboke (Vanka). Further the subject land has

not been assigned in favour of anybody and the D-form patta claimed by the petitioner is a fake document. The authority has rightly rejected the claim of the petitioner by giving proper reasons. He further submitted that there is neither illegality nor procedural irregularity in passing the impugned order. The petitioner has not raised any grounds warranting interference of this Court. As such, prayed to dismiss the Writ Petition.

5. To the said submission, learned counsel for the petitioner while reiterating the contents of the reply affidavit submitted that the assignment was made in the year 1951 to the father of the petitioner and the name of the petitioner's father was shown in the revenue records and after the death of his father, the revenue authorities have issued pattadar pass books and title deeds including 1B Adangal in the name of the petitioner. Respondent No.2, without verifying the records available with him and also furnished by the petitioner, rejected the claim of the petitioner for deletion of land from the Prohibited Properties List.

6. Perused the record and considered the submissions made by both the learned counsel.

7. The grievance of the petitioner is that the subject property was entered in Prohibited Properties List and when he made a representation to the authorities for removal of the same from the Prohibited Properties list, the authorities have rejected the claim stating that the provisions of G.O.Ms.No.575 (Assn-1) Department, dated 16.11.2018 are not attracted and

further stating that there is no such assignment and the D-form patta claimed by the petitioner is a fake document.

8. Perusal of the impugned proceedings would show that the District Collector by relying on the report of the Revenue Divisional officer has rejected the petitioner's claim. Nowhere in the impugned proceedings, it was stated that the report or recommendations relied by the Collector has been supplied to the petitioner and sought explanation from him on that request. It is well established principle of law that an adjudicatory body cannot base its decision on any material unless the person against whom it is sought to be utilized has been apprised of it and given an opportunity to respondent to it. In the absence of the same, issuance of impugned proceedings by respondent No.2 is in clear violation of principles of natural justice and issued behind the back of the petitioner, as such, it has to be set aside. Hence, this Court is inclined to remand the matter to respondent No.2 for passing fresh orders.

9. Accordingly, the Writ Petition is disposed of by setting aside the impugned proceedings *vide* R.DisNo.Land-1/1112/2022 dated 11.11.2022 and the matter is remitted back to respondent No.2. Respondent No.2 is directed to supply the report or recommendations relied by him in the impugned proceedings to the petitioner and seek explanation from him. On such supplying of the report, the petitioner is at liberty to submit relevant documents in support of his claim along with explanation to respondent No.2 within a period of two (2) weeks, upon such submission of explanation by the petitioner, respondent No.2 shall pass orders afresh, after giving an

opportunity of hearing to the petitioner, if required, in accordance with law, within a period of three (3) months thereafter. There shall be no order as to costs.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

Sd/- K. TATA RAO
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Revenue Department, State of Andhra Pradesh Secretariat Buildings, Velagapudi, Amaravati, Guntur District.
2. The District Collector, A, Ananthapur(Sri Satya Sai) District.
3. The Revenue Divisional Officer, Dharmavaram, Ananthapur(Sri Satya Sai) District.
4. The Tahsildar, Kanagani palli Mandal, Ananthapur(Sri Satya Sai) District.
5. One CC to Sri K.Srinivas, Advocate [OPUC]
6. Two CCs to GP for Revenue, High Court of Andhra Pradesh. [OUT]
7. **Three CD Copies.**

gl

HIGH COURT

DATED:03/02/2025

ORDER

WP.No.40013 of 2022



DISPOSING OF THE WRIT PETITION WITHOUT COSTS