APHC010182872018

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

TUESDAY, THE 27th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SMT JUSTICE V.SUJATHA

WRIT PETITION NO: 7944/2018

Between:

1. S. AMEER SAB,DIED AS PER LRS P3 TO P10, S/O. RAZZU SAB, AGED ABOUT 70 YEARS, OCC. AGRICULTURE, R/O. NADIMPALLE VILLAGE, SOMANDEPALLI MANDAL, ANANTHAPURAMU DISTRICT.

2. S. AHMED PEER,, S/O. ABDUL RAZAK SAB, AGED ABOUT 65 YEARS, OCC. AGRICULTURE, R/O. NADIMPALLE VILLAGE, SOMANDEPALLI MANDAL, ANANTHAPURAMU DISTRICT.

3. SHAIK ZIYAUR RAHAMAN, S/O AMEER SAB, AGED ABOUT 52 YEARS, R/O. AZAD NAGAR, HINDUPUR, ANANTAPUR DISTRICT - 515201.

4. SHAIK AYSHA, W/O. FAYAJULLA, AGED ABOUT 45 YEARS, R/O. PARIGI ROAD, HINDUPUR, ANANTAPUR DISTRICT - 515201.

5. MUSEB, S/O. AMEER JAN, AGED ABOUT 44 YEARS, R/O. AZAD NAGAR, HINDUPUR, ANANTAPUR DISTRICT - 515201.

6. N YASIR ARFATH, S/O. AMEER JAN, AGED ABOUT 43 YEARS, R/O. RAHAMATHPURAM, HINDUPUR, ANANTAPUR DISTRICT - 515201.

7. SHAIK ESRAD BANU, C/O SHAIK MAHAMMAD RAFIQ, AGED ABOUT 41 YEARS, R/O JAMIYA MASJID STREET, GORANTLA, SRI SATYA SAI DISTRICT - 515231.

8. JAMILA, W/O K. SHABEER, AGED ABOUT 40 YEARS, R/O. AZAD NAGAR, HINDUPUR, ANANTAPUR DISTRICT - 515201.

9. N ABUBAKAR, S/O AMEER JAN, AGED ABOUT 38 YEARS, R/O NADIMPALLI, ANANTAPUR DISTRICT - 515122.

10. SHEK NASREEN, D/O SHEK ABIDA BEGUM, AGED ABOUT 36 YEARS, R/O AZAD NAGAR, HINDUPUR, ANANTAPUR DISTRICT - 515201. PETITIONERS P3 TO P10 ARE BROUGHT ON RECORD AS LRS OF THE DECEASED 1ST PETITIONER AS PER COURTS ORDER DT. 15.09.2026 IN I.A.NO.1 OF 2026

...PETITIONER(S)

AND

1. STATE OF ANDHRA PRADESH, REPRESENTED BY ITS PRINCIPAL SECRETARY, REVENUE DEPARTMENT, STATE SECRETARIAT AT VELAGAPUDI, GUNTUR DISTRICT.

2. THE COMMISSIONER APPEALS, O/O. THE CHIEF COMMISSIONER OF LAND ADMINISTRATION, GOLLAPUDI, VIJAYAWADA, KRISHNA DISTRICT, ANDHRA PRADESH STATE.

3. THE SUBCOLLECTOR, PENUKONDA, ANANTHAPURAMU DISTRICT_ ANDHRA PRADESH STATE.

4. THE TAHSILDAR, SOMENDAPALLI MANDAL, ANANTHAPURAMU DISTRICT, ANDHRA PRADESH STATE.

5. THE MANAGER, BABA FAKRUDDIN DARGAH, PENUKONDA, ANANTHAPURAMU ANDHRA PRADESH STATE.

...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 issue an appropriate writ, or order or direction, more particularly, one in the nature of Writ of Mandamus, declaring the action of the 2nd respondent in passing order dated 04-01-2018, dismissing the revision petition filed by the petitioners as highly illegal, arbitrary and unconstitutional being violative of Articles 14, 21 and 300-A of the Constitution of India besides being violative of principles of natural justice, principles of promissory estoppel and doctrine of legitimate expectation and consequently direct the respondents herein not to interfere with the peaceful physical possession and enjoyment of the petitioners in respect of land admeasuring Ac.9-54 cents in Sy.No.108/1,

situated at Nadimpalli Village, Somandepalli Mandal, Ananthapuramu District, in the interest of justice and 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 suspend the operation of the order dated 04-01-2018 in proceedings No. BCW1/682/2011 passed by the 2nd respondent and thereby direct the respondents not to interfere with the peaceful physical possession and enjoyment of the petitioners in respect of land admeasuring Ac.9-54 cents in Sy. No. 108/1, situated at Nadimpalli Village, Somandepalli Mandal, Ananthapuramu District, pending disposal of the writ petition and pass

IA NO: 1 OF 2026

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 may be pleased to permit the petitioners to come on record as 3 rd to 10 th petitioners in WP No. 7944 of 2018 & IA's, being the legal representative (L.R) of the deceased Ameer Sab petitioner No. 1, and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner(S):

1. K SRINIVAS

Counsel for the Respondent(S):

1. V HIMABINDU
2. GP FOR REVENUE (AP)

The Court made the following:

THE HONOURABLE SMT JUSTICE V.SUJATHA

WRIT PETITION NO: 7944 of 2018

ORDER:

This writ petition is filed seeking the following relief/s:

> "….to issue an appropriate writ, or order or direction, more particularly, one in the nature of Writ of Mandamus, declaring the action of the 2nd respondent in passing order dated 04-01-2018, dismissing the revision petition filed by the petitioners as highly illegal, arbitrary and unconstitutional being violative of Articles 14, 21 and 300-A of the Constitution of India besides being violative of principles of natural justice, principles of promissory estoppel and doctrine of legitimate expectation and consequently direct the respondents herein not to interfere with the peaceful physical possession and enjoyment of the petitioners in respect of land admeasuring Ac.9-54 cents in Sy.No.108/1, situated at Nadimpalli Village, Somandepalli Mandal, Ananthapuramu District, in the interest of justice and pass…."

2. The case of the petitioners, in brief, is that they claim to be the owners of the land admeasuring Ac.9.54 cents in Sy.No.108/1, situated at Nadimpalli Village, Somandepalli Mandal, Ananthapuramu District. While the matter stood thus, respondent No.5 claimed rights over the subject property on the ground that the Settlement Officer, Nellore, had granted a settlement patta in favour of respondent No.5-Dargah *vide* S.R.No.428/15(1)/68 and S.R.No.15(12)/87, dated 06.06.1988. Claiming rights over the said property, respondent No.5 made an application before respondent No.4 seeking grant of patta in its favour. As respondent No.4 failed to consider the said request, respondent No.5 filed W.P.No.6116 of 1992 before this Court, which was disposed of directing the respondents not to dispossess the petitioners from the subject property. The petitioners also preferred an appeal before respondent No.3, challenging the proceedings of the Settlement Officer,

Nellore, granting settlement patta in favour of respondent No.5. The said appeal was dismissed by respondent No.3 *vide* order dated 08.08.2009. Aggrieved thereby, the petitioners preferred a revision before respondent No.2, which was also dismissed *vide* order dated 04.01.2018. Challenging the said order, the present writ petition has been filed.

3. In spite of several adjournments, no counter-affidavit has been filed by the respondent authorities.

4. Heard learned counsel for the petitioners and learned Assistant Government Pleader for Revenue representing the respondents.

5. Upon perusal of the affidavit filed in support of the writ petition and the documents placed on record, it is evident that the petitioners claim ownership over the land admeasuring Ac.9.54 cents in Sy.No.108/1, situated at Nadimpalli Village, Somandepalli Mandal, Ananthapuramu District. Admittedly, the Settlement Officer, Nellore, granted a settlement patta in favour of respondent No.5 in respect of the subject property on 06.06.1988. The petitioners, being aggrieved by the said grant, preferred an appeal before the appellate authority, which was dismissed *vide* order dated 08.08.2009. Thereafter, the revision preferred by the petitioners was also dismissed by respondent No.2 vide order dated 04.01.2018.

6. On perusal of the impugned order dated 04.01.2018 passed by respondent No.2, it is evident that the settlement patta in respect of the subject property was granted in favour of respondent No.5 by the Settlement

Officer, Nellore, on 06.06.1988. The petitioners' challenge to the said grant was rejected by the appellate authority. As observed by respondent No.2, under the provisions of the Estates Abolition Act, 1948, once a ryotwari patta is granted in favour of an individual or an institution, the land is treated as private land, and the revenue authorities have no jurisdiction to assign such land to any person, including the petitioners, by way of a DKT patta.

7. In view of the above observations, this Court does not find any merits in the present writ petition and the same is liable to be dismissed.

8. Accordingly, the Writ Petition is dismissed. However, it is left open to the petitioners to avail alterative remedies in accordance with law. There shall be no order as to costs.

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

JUSTICE V. SUJATHA

Date: 27.10.2026
JS

THE HONOURABLE SMT JUSTICE V.SUJATHA

WRIT PETITION NO: 7944 of 2018

Date: 27.10.2026
JS