APHC010198522019

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

WEDNESDAY, THE 7th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SMT JUSTICE V.SUJATHA

WRIT PETITION NO: 8619/2019

Between:

1. THUMMALA DRAKSHAYAMMA,, W/O. SUBBARAYUDU, AGED ABOUT 76 YEARS, OCC HOUSEWIFE, RIO. RAMNAGAR, 1ST LANE, ONGOLE, PRAKASAM DISTRICT.
2. THUMMALA RAJACHANDRA,, S/O. SUBBARAYUDU, AGED ABOUT 35 YEARS, OCC BUSINESS, R/O. RAMNAGAR, 1ST LANE, ONGOLE, PRAKASAM DISTRICT.

...PETITIONER(S)

AND

1. THE STATE OF AP, , REP. BY ITS PRINCIPAL SECRETARY, REVENUE DEPARTMENT, A.P. SECRETARIAT, VELAGAPUDI, AMARAVATI
2. THE DISTRICT COLLECTOR, ONGOLE, PRAKASAM DISTRICT.
3. THE REVENUE DIVISIONAL OFFICER, ONGOLE, PRAKASAM DISTRICT.
4. THE TAHSILDAR, NAGULUPPALAPADU MANDAL, PRAKASAM DISTRICT
5. BODDAPATI NAGENDRAMMA, W/O. CHANDRAIAH, AGED ABOUT 72 YEARS, OCC CULTIVATION, R/O. NAGULUPPALAPADU VILLAGE AND MANDAL, PRAKASAM DISTRICT.

...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 toto issue any appropriate Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 4th respondent in not implementing the order of the 3rd respondent dated 29.03.2016 passed in Appeal No.D.Dis.E/1041/2014 filed by the petitioners herein, against the 5th respondent, as being illegal, arbitrary and violative of petitioners right guaranteed under the constitution and consequently direct the 4th respondent to implement the order of the 3rd respondent dated 29.03.2016 passed in Appeal No.D.Dis.E/1041/2014, in the interest of justice, and pass

IA NO: 1 OF 2019

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 4th respondent to implement the order of the 3rd respondent dated 29.03.2016 passed in Appeal No.D.Dis.E/1041/2014 forthwith, pending disposal of the above writ petition, in the interest of justice, and pass

Counsel for the Petitioner(S):

1. RAVEENDRA BABU BIKKI

Counsel for the Respondent(S):

1. GP FOR REVENUE (AP)

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 any appropriate Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 4th respondent in not implementing the order of the 3rd respondent dated 29.03.2016 passed in Appeal No.D.Dis.E/1041/2014 filed by the petitioners herein, against the 5th respondent, as being illegal, arbitrary and violative of petitioners right guaranteed under the constitution and consequently direct the 4th respondent to implement the order of the 3rd respondent dated 29.03.2016 passed in Appeal No.D.Dis.E/1041/2014….."*

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

a) The petitioners claim to have purchased agricultural land admeasuring Ac.2.00 cents in Sy.No.614/11 of Naguluppalapadu Village and Mandal, Prakasam District, under a registered sale deed bearing Document No.456/2008, dated 02.05.2008. Originally, the land in Sy.No.614 of Naguluppalapadu Village, admeasuring a total extent of Ac.14.24 cents, belonged to the Chivukula family. The husband of the 5th respondent, namely, Sri Boddapati Chandraiah, purchased Ac.2.00 cents of land forming part of Sy.No.614 from the original owners under registered sale deed bearing Document No.405/1964, dated 12.05.1964.

b) It is the case of the petitioners that the sons of Chandraiah granted an easementary right of passage to Sri Thokala Sesha Rao and others over an extent of Ac.0.24 cents on the northern side of the land, extending from the

road on the eastern side to the western boundary, with a width of 24 links and a length of 385 links. In the sale deeds bearing Document Nos.667/2000 and 668/2000, dated 24.07.2000, executed by the sons of Chandraiah in favour of Sri Ganipineni Hanmanth Rao, Managing Partner of Maruthi Spun Pipes Company, it was stated that the said extent of Ac.0.24 cents had been handed over to Thokala Sesha Rao for use as a passage. However, the petitioners contended that the sons of Chandraiah had no right to grant such an easementary right. The said extent of Ac.0.24 cents is situated adjacent to the northern side of the petitioners' land admeasuring Ac.2.00 cents. The petitioners claim to be in possession and enjoyment of the said extent, as it has never been used as a passage by Thokala Sesha Rao.

c) The petitioners further state that, after purchasing the land on 02.05.2008, they obtained pattadar passbooks and title deeds bearing Patta Nos.1855 and 1856, pursuant to the proceedings of the 4th respondent dated 29.05.2014. It is the case of the petitioners that the husband of the 5th respondent, having purchased only Ac.2.00 cents under registered sale deed bearing Document No.405/1964, dated 12.05.1964, subsequently sold the entire extent and, therefore, the 5th respondent has no right over any remaining extent of land.

d) The grievance of the petitioners is that the 5th respondent, without having any right over the subject land, allegedly obtained pattadar passbooks and title deeds in her name in respect of Ac.0.24 cents in Sy.No.614/11 by

using her political influence. It is further stated that the name of the 5th respondent was entered in the Adangal and the 1-B Register at Sl.No.1773 in respect of the said extent.

e) As the petitioners disputed the 5th respondent's claim over the extent of Ac.0.24 cents, the petitioners sought information from the 4th respondent under the Right to Information Act regarding the issuance of pattadar passbooks and title deeds in her favour. The 4th respondent vide endorsement dated 09.06.2014, informed the petitioners that the file relating to the sanction of mutation in favour of the 5th respondent for the said extent was missing and could not be traced.

f) Aggrieved by the said endorsement, the petitioners approached the State Information Commission. Upon considering the matter, the State Information Commission directed the 4th respondent to trace the relevant information and furnish it to the petitioners within sixty days. However, the information was not furnished despite the said direction. Thereafter, the petitioners preferred an appeal before the 3rd respondent under Section 5-B of the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971, against respondent Nos.4 and 5. The 3rd respondent, vide order dated 29.03.2016 in Appeal No.D.Dis.E/1041/2014, allowed the appeal and directed the Tahsildar, Naguluppalapadu, to conduct a fresh enquiry and issue pattadar passbooks and title deeds to the petitioners in accordance with the provisions of the said Act. As the said order was not implemented, the petitioners

submitted a representation dated 22.01.2018 to the 2nd respondent. Since no action was taken thereafter, the petitioners filed the present Writ Petition.

3. Heard learned counsel for the petitioners and learned Assistant Government Pleader for Revenue.

4. Despite several adjournments, no counter-affidavit has been filed on behalf of the respondent authorities. However, during the course of arguments, the learned Assistant Government Pleader for Revenue furnished a copy of the instructions issued by the 4th respondent/Tahsildar, Naguluppalapadu Mandal, wherein the facts as stated by the petitioners are admitted. However, it is stated that, if the petitioners submit an application for issuance of pattadar passbooks and title deeds in respect of the subject land, the same will be processed and appropriate action will be taken expeditiously, in accordance with law and the applicable rules and procedures.

5. The fact that the petitioners purchased Ac.2.00 cents of land in Sy.No.614/11 is not disputed by the respondent authorities. The dispute in the present case relates to the extent of Ac.0.24 cents situated adjacent to the northern side of the petitioners' land. The petitioners contend that the 5th respondent, despite having sold the land admeasuring Ac.2.00 cents, obtained pattadar passbooks and title deeds from the 4th respondent in respect of the said extent of Ac.0.24 cents, without having any right over the same. Aggrieved by the said action, the petitioners preferred an appeal before the 3rd respondent under Section 5-B of the Andhra Pradesh Rights in Land and

Pattadar Pass Books Act, 1971. Upon considering the appeal and taking into account that there was no representation on behalf of the unofficial respondent No.5, the 3rd respondent passed an order dated 29.03.2016. The 3rd respondent observed that the connected registered documents revealed that the Mandal Revenue Officer, Naguluppalapadu, had not conducted a proper and thorough enquiry before issuing pattadar passbooks and title deeds in favour of the 5th respondent in respect of the land in Sy.No.614/11 of Naguluppalapadu Village. Accordingly, the 3rd respondent ordered cancellation of the relevant entry and directed the deletion of the entry relating to the subject extent from the pattadar passbooks and title deeds of the 5th respondent. The 3rd respondent further directed the 4th respondent to conduct a fresh enquiry and issue pattadar passbooks and title deeds to the petitioners in accordance with the provisions of the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971.

6. However, it appears that, despite the said order, no further enquiry has been conducted. On the other hand, it is also observed that, as on date, the petitioners have not made any application for issuance of pattadar passbooks and title deeds in respect of the subject land, as stated in the instructions furnished by the 4th respondent.

7. In view of the above circumstances, the petitioners are directed to submit an application before the 4th respondent seeking issuance of pattadar passbooks and title deeds in respect of the extent of Ac.0.24 cents, enclosing

a copy of the order dated 29.03.2016 passed by the 3rd respondent, within a period of two (2) weeks from the date of receipt of a copy of this order. Upon receipt of such application, the 4th respondent shall conduct a fresh enquiry, as directed by the 3rd respondent, and take appropriate action in accordance with law, as expeditiously as possible, preferably within a period of two (2) months from the date of receipt of the application.

8. 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, in this Writ Petition, shall stand closed.

JUSTICE V.SUJATHA

Date: 07.10.2026
KGR/GSN