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Whether only operative part of the judgment is pronounced or whether full judgment is pronounced : FULL

APHC010319062026

[3584]

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

WRIT APPEAL NO: 1033 of 2026

S Macca Begum and Others ...Appellant(s)

Vs.

The State Of Andhra Pradesh and Others ...Respondent(s)

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CORAM : THE CHIEF JUSTICE LISA GILL

SRI JUSTICE CHALLA GUNARANJAN

DATE : 02nd November 2026

Present:

Advocate for Appellant: PATANJALI PAMIDIGHANTAM

Advocate(s) for Respondent(s): GP FOR REVENUE, GP FOR FORESTS

JUDGMENT: (per Hon'ble Sri Justice Challa Gunaranjan)

This writ appeal preferred under Clause 15 of Letters Patent is directed against order dated 02.12.2025 in W.P. No.26450 of 2013, whereby learned Single Judge dismissed the writ petition, confirming judgment and decree dated 22.04.2013 in A.S. No.63 of 2009 passed by learned District Judge, Chittoor.

2. (a) Case of appellant before learned Civil Judge was that an extent of Acres 33.25 cents in Paimaish No.19-E, Vontimitta, presently H/o.170 Gollapalli village of Vontimitta Mandal, Y.S.R.Kadapa District, being estate land, Zamindar of Bangarupalem granted patta in favour of Smt.Gali Ademma, wife of Gali Chengama Naidu, vide patta dated 28.12.1940.

(b) Thereafter, appellant purchased the same through unregistered sale deed dated 28.02.1982. She was also granted Ryotwari patta under Section 11(a) of Andhra Pradesh (Andhra Area) Estates (Abolition & Conversion into Ryotwari) Act, 1948 (for short, 'the Act') by order dated 10.01.1983, and the same attained finality as there was no further challenge.

(c) In the interregnum, by G.O.Ms.No.1327, Food and Agriculture Department, dated 04.07.1961, notification under Section 4 of A.P. Forest Act, 1967 was issued notifying an extent of 4,050 Acres as forest block, which included appellant's land as well. The same was followed by proclamation notification in terms of Section 6 of A.P. Forest Act on 30.06.1964, calling for objections.

(d) Appellant is stated to have filed claim under Section 10 of A.P. Forest Act for elimination of subject lands on 28.10.1983.

Forest Settlement Officer, Chittoor, allowed the same and directed for exclusion of lands from forest block. However, the said orders were reversed in appeal, assailing the judgment and decree dated 22.04.2013 passed by learned District Judge, Chittoor, in appeal in A.S. No.63 of 2009, appellant preferred writ petition. Learned Single Judge, while upholding the orders impugned therein, dismissed the writ petition. Hence, present appeal.

3. Heard Sri Patanjali Pamidighantam, learned counsel for appellant and learned Government Pleaders for Forest and Revenue for the respondents.

4. (a) Learned counsel for appellant contended that Ryotwari patta granted in favour of appellant in terms of Section 11(a) of the Act since attained finality, subject lands vest in appellant, therefore, both First Appellate Authority as well as learned Single Judge were not justified in upsetting findings rendered by Forest Settlement Officer directing elimination of subject lands from the purview of forest block. It is stated that Ryotwari patta was issued after due enquiry and adhering to procedure contemplated under the Act, thus, title and possession of appellant cannot be disputed.

(b) It is further contended that in the absence of final notification under Section 15 of A.P. Forest Act, alienation of subject land in favour of appellant, even after issuance of notifications under Sections 4 and 6 thereof, would not amount to creating fresh rights, thus, the transaction was not hit by Section 7(1)(a). However, it is stated that Appellate Authority erroneously held otherwise, which has been confirmed by learned Single Judge.

(c) It is further contended that though Exhibits P-1 to P-3 relied on by appellant clearly demonstrated valid title followed by lawful possession, the same was not properly appreciated, particularly on the ground that Ex.P-1 was not sufficiently stamped and Ex.P-3 was neither registered nor stamped, which is completely erroneous and unjustified. Hence, it is urged to allow the appeal by setting aside impugned order under challenge.

5. (a) Learned Government Pleaders for respondents tried to support impugned order. It is contended that Section 11(a) of the Act, since envisages grant of Ryotwari patta only to those persons who were in possession as on notified date i.e., 01.07.1945, appellant having purchased the subject property under Ex.P-3 on

28.02.1982, does not satisfy the requirements of said provision, thus is not entitled for issuance of Ryotwari patta.

(b) Even otherwise, it is stated that Ryotwari patta was never implemented inasmuch as there was neither survey nor subdivision of the land, and the land still continues to be shown as Paimaish but not with specific survey number. Therefore, both Appellate Court as well as learned Single Judge held that none of the documents relied on by appellant was admissible in evidence to support the case of appellant.

(c) It is further submitted that officer who issued Ryotwari patta in present case, since was found to have issued various bogus pattas, Government had issued memo directing not to recognise such pattas, and judicial notice of the same was also taken by Co-ordinate Bench of Composite High Court in **Government of Andhra Pradesh and others v. P.Gopala Reddy and others**[1]. Thus, urged to dismiss the appeal.

6. We have given our anxious consideration to rival submissions advanced by learned counsel for respective parties and have thoroughly perused the record placed before us.

[1] 2011 (5) ALD 470 (DB)

7. It is not in dispute that the subject land in Paimaish 19-E, Vontimitta, presently 170 Gollapalle village, has been notified as forest block by issuing notification under Section 4 of A.P. Forest Act vide G.O.Ms. No.1327, dated 04.07.1961. By then, even according to appellant, subject land was stated to be owned by Smt.Gali Ademma. Later, proclamation notification in terms of Section 6 of A.P. Forest Act was published on 30.06.1964, calling for objections and further informing that no new rights of any kind shall be acquired over land sought to be notified and also no patta shall be issued for any part of the same.

8. Gali Aademma admittedly neither filed any objection nor claim for elimination. After about 18 years, she had alienated subject land in favour of appellant through unregistered sale deed dated 28.02.1982. Appellant, having acquired the same, made a claim in terms of Section 11(a) of the Act before Settlement Officer for grant of Ryotwari patta and vide order dated 10.01.1983 in proceedings S.R. No.140/11(a)/82/OTR, patta was granted. It is also not in dispute that patta claimed to have been issued in favour of appellant was never under challenge. Subsequently, appellant on 28.10.1983 filed claim petition under Section 10 of A.P. Forest Act, 1967 for elimination of subject land from Peddakonda forest

block. Application was preferred along with request for condoning delay of about 19 years. Forest Settlement Officer, Chittoor, allowed the same, primarily on the ground that:

a) Appellant, by virtue of Ex.P-1, Ex.P-2 and Ex.P-3, i.e., grant of patta in favour of Gali Ademma, cist receipt, and unregistered sale deed respectively, followed by issuance of Ryotwari patta, had lawful possession even before issuance of notification under Section 4 of A.P. Forest Act.

b) Acquisition of property by appellant after issuance of notification under Section 4 and proclamation under Section 6, without final notification under Section 15, was not in contravention of Section 7 of the Act inasmuch as no fresh right was acquired.

c) In view of awaiting final notification under Section 15, seeking permission of Central Government either under Section 2 of Forest Conservation Act, 1980 or bar under Section 17 of A.P. Forest Act would operate.

9. However, Appellate Court in appeal, while dealing with aforesaid findings, held as under:

> "Ex.P-1 alleged patta was said to have granted by the then Zamindar on 28.02.1982 in favour of Gali Ademma and she had been in possession and enjoyment by paying kists under Ex.P-2 kists receipts.

14. It is pertinent to note that Gali Ademma, the alleged pattadar, did not choose to file any objections or claim in respect of the subject land before the Forest Settlement Officer, in spite of the notification under Section 4 of the Act or proclamation under Section 6 of the Act as early as on 04.07.1961 and 15.04.1964 till the alleged sale on 28.02.1982 to the claimant. Except kists receipts, no revenue record is produced to prove the possession and enjoyment of the alleged pattadar.

15. Ex.P-3 unregistered sale deed dated 28.02.1982 for Rs.3,600/-pertaining to the subject land as per the Settled Law is inadmissible in evidence to prove the right or title and it can be used only for collateral purpose of proving the nature and character of possession.

There is neither oral nor documentary evidence such as revenue record to prove that infact the claimant by virtue of Ex.P-3 came into possession and continued to be in possession of the subject land.

16. It is pertinent to note that the claimant by exercising her right by virtue of Ex.P-3, filed petition before the Settlement Officer, Nellore in the year 1982 itself under Section 11(A) of the Act for grant of ryotwari patta under the provisions of A.P. Estates (Abolition & Conversion into Ryotwari) Act 1948 and could be able to get the order in SR.No.140/11(a)/82, dated 10.01.1983 which is not implemented in the revenue records.

17. The claimant also claiming right, title and possession by virtue of Ex.P-3 laid the claim under Section

10 of the Act on 28.10.1983 within one year from the date of alleged purchase for elimination of the subject land from the proposed forest block.

The claimant for the reasons best known did not choose to examine the alleged pattadar or in her absence, her legal representatives to prove Exs.P-1 and P-2 and the alleged sale through unregistered sale deed. (Ex.P-3).

In other wards, it can be said without any hesitation that the claimant miserably failed to prove the truth and genuineness of Exs.P-1 to P-3.

18. The FSO is a statutory Tribunal to decide the claims under Section 10 of the Act and therefore he has to decide the claims independently basing on the material produced on record before him, but not basing on the material produced elsewhere.

19. The claimant in support of her claim, relying upon the ryotwari patta said to have granted in her favour by the Settlement Officer, Chittoor in SR.No.140/11(a)/82 dated 10.01.1983. As already referred to above, absolutely there is no evidence muchless proof that ryotwari patta granted was implemented in the revenue records. It is pertinent to note that the claimant furnished Paimaish No.19-E, but not the Survey number that correlated to the above paimaish number. If really there was survey and settlement operation pertaining to the land in paimaish No.19-E and ryotwari patta was granted there should be correlation.

20. As already referred to above, notification under Section 4 and proclamation under Section 6 of the Act, in

respect of the Peddakonda forest block comprising of 4050-00 acres in Bangarupalyam Taluk, Chittoor District including the subject land was prior to 30.06.1964.

The alleged order for granting ryotwari patta in respect of the subject land by the Settlement Officer, Chittoor was on 10.01.1983.

21. By virtue of Sub-section 2 of Section 7 of the Act, no patta in respect of the land, covered by the notification and proclamation shall be granted by or on behalf of the Government during the interval between the proclamation of a notification in the Andhra Pradesh Gazette under Section 4 and the date fixed by the notification under Section 15."

10. Further, learned Single Judge, while confirming aforesaid findings of Appellate Court, held that even Ex.P-1 besides Ex.P-3 were not admissible in evidence, since the same were not properly stamped as required under Section 35 of Stamp Act. Therefore, it was held that Forest Settlement Officer committed serious error in placing reliance on said documents for coming to conclusion that appellant had valid title and lawful possession. Besides that, learned Single Judge also held that sale in favour of appellant under Ex.P-3 after issuance of notification under Section 4 of A.P. Forest Act was impermissible in view of Section 7(1)(a) of A.P. Forest Act.

11. In order to appreciate the contentions advanced by learned counsel for appellant, provisions which are relevant for present purpose are extracted hereunder:

> "**4. Notification by State Government**:-(1) Whenever it has been decided to constitute any land a reserved forest, the State Government shall issue a notification in the Official Gazette –
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> (a) declaring that it has been decided to constitute such land a reserved forest;
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> (b) specifying, as nearly as possible, the situation and limits of such land; and
>
> (c) appointing an officer (hereinafter called "the Forest Settlement-officer") to inquire into and determine the existence, nature and extent of any rights alleged to exist in favour of any person in or over any land comprised within such limits or in or over any forest-produce, and to deal with the same as provided in this Chapter.
>
> **6. Proclamation by Forest Settlement-officer**.– When a notification has been issued under section 4, the Forest Settlement-officer shall publish in the local vernacular in every town and village in the neighbourhood of the land comprised therein, a proclamation –
>
> (a) specifying, as nearly as possible, the situation and limits of the proposed forest;

(b) explaining the consequences which, as hereinafter provided, will ensue on the reservation of such forest; and

(c) fixing a period of not less than three months from the date of such proclamation, and requiring every person claiming any right mentioned in section 4 or section, 5 within such period either to present to the Forest Settlement-officer a written notice specifying or to appear before him and state, the nature of such right and the amount and particulars of the compensation (if any) claimed in respect thereof.

7. Inquiry by Forest Settlement-officer.– The Forest Settlement-officer shall take down in writing all statements made under section 6, and shall at some convenient place inquire into all claims duly preferred under that section, and the existence of any rights mentioned in section 4 or section 5 and not claimed under section 6 so far as the same may be ascertainable from the records of Government and the evidence of any persons likely to be acquainted with the same.

8. Powers of Forest Settlement-officers:- For the purpose of such inquiry, the Forest Settlement-officer may exercise the following powers, that is to say:

(a) power to enter, by himself or any officer authorised by him for the purpose, upon any land, and to survey, demarcate and make a map of the same; and

(b) the powers of a Civil Court in the trial of suits."

12. The scheme of A.P. Forest Act envisages issuance of notification under Section 4 proposing to constitute any land as reserved forest, the notification to specify location/situation and limits of such lands as nearly as possible, and that the same to be proposed to constitute reserved forest. Once notification under Section 4 is issued and Forest Settlement Officer has been appointed for the purpose of considering objections and to enquire and determine any rights claimed by affected persons over land that has been notified to fall within reserved forest, designated Forest Settlement Officer would issue notification giving effect to notification calling for objections from interested persons. Proclamation notification shall also indicate substance of provisions of Section 7 and explain consequences provided therein. Section 6(4) also envisages timelines within which objections are to be called for and decided thereafter.

13. Section 7 bars acquisition of fresh rights. There is a specific prohibition to acquire any right over land included in the notification issued under Section 4**,** and only exception being such right accruing on account of succession or under grant or contract entered into on behalf of the Government or any person in whom such right already vested.

14. Section 8 provides the manner in which enquiry has to be conducted by Forest Settlement Officer. If objections from interested persons are received, Forest Settlement Officer has been mandated to enquire into said objections or claim by recording statements or evidence as envisaged under the provisions of C.P.C., and thereafter to decide the issues.

15. Keeping in view above mandatory provisions, record discloses that in spite of proclamation notice, admittedly Gali Ademma never submitted any objections in terms of Section 6 of A.P. Forest Act at earliest point of time, neither she was issued Ryotwari patta in terms of Section 11 of the Act. It is only after nearly 18 years, claim was preferred under Section 10 by appellant for elimination of subject lands from forest block, after the same was acquired by her in the year 1982. In view of specific bar under Section 7(1)(a), no right could have been created in favour of appellant by virtue of unregistered sale deed.

16. Thus, we are of the considered view that Ex.P-3 unregistered sale deed is void and no right would flow in favour of appellant. That apart, we are also in agreement with the findings rendered by both First Appellate Authority as well as learned Single Judge on other issues as well. Once Ex.P-3, which is the very basis

of claim of appellant to subject property, stands obliterated, the subsequent orders by which she acquired Ryotwari patta would pale into insignificance.

17. Though learned Assistant Government Pleader tried to place reliance on decision of Co-ordinate Bench of Composite High Court in **P.Gopala Reddy's case**[1] to buttress that Ryotwari pattas issued by then Settlement Officer were inflicted by fraud, as such plea was not raised either before original authority or learned Single Judge, we refrain from going into said aspect.

18. In view of the above, we do not find any infirmity with findings and conclusions arrived at by learned Single Judge warranting interference. Thus, this appeal is devoid of merits and accordingly dismissed. No costs.

As a sequel, miscellaneous petitions pending consideration, if any, in this case shall stand closed.

LISA GILL, CJ **CHALLA GUNARANJAN, J**

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