APHC010321752025

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3331]**
(Special Original Jurisdiction)

SATURDAY, THE 10th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION NO: 16067/2025

Between:

1. UNNAM PARTHASARADHI NAIDU, W/O. LATE UNNAM MASTHAN NAIDU, AGED ABOUT 50 YEARS, R/O. HASTHAKAVERI VILLAGE, BALAYAPALLI MANDAL TIRUPATI DISTRICT.

...PETITIONER

AND

1. THE STATE OF AP, REP.BY ITS PRINCIPAL SECRETARY, REVENUE (ASSIGNMENT) DEPARTMENT, SECRETARIAT SECRETARIAT BUIDLINGS, VELAGAPUDI, AMARAVATHI,ANDHRA PRADESH
2. THE JOINT COLLECTOR, TIRUPATI, TIRUPATI DISTRICT.
3. THE SUB COLLECTOR, GUDUR DIVISION,GUDUR, TIRUPATI DISTRICT.
4. THE TAHASILDAR, BALAYAPALLI MANDAL, BALAYAPALLI, TIRUPATI DISTRICT, A.P.

...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 a Writ, Direction, Order or Orders more particularly one in the nature of Writ of Mandamus a) declaring the action of the Respondents more particularly the action of the 4th Respondent in issuing the impugned orders in Rc.B.151/2024 dated 02.12.2024 whereby the 4th respondent cancelled the assignment patta in respect of land to an extent of Ac. 1.64 cents in Sy.No. 59/2 of the petitioner situated in Hasthakaveri Revenue

Village, Balayapalli Mandal is illegal, arbitrary, without jurisdiction, contraty to law laid down by the Division Bench of this Honble Court reported in 2024 SCC Online AP 3594, contrary to the provisions of A.P. Assigned Lands (Prohibition of Transferss) Act, 1971 and rules made there under, contrary to the Order 15 (18) of the Board Standing orders, and consequently the impugned orders passed by the 4th respondent in Rc.B.151/2024 dated 02.12.2024 is liable to be set aside. b). declaring the action of the respondents more particularly the action of 2nd respondent in issuing the consequential impugned proceedings in D.Dis.D1/e-45566/2025 dated 09.06.2025 where by whereby giving access to the 4th respondent for effecting the change of the Pattadars Name to Government land in revenue records in survey Number 59/2 to an extent of Ac. 1.64 cents in pursuant to the proceedings issued by the 4th respondent Rc.B.151/2024 dated 02.12.2024 is illegal, arbitrary, without notice, violative of principles of natural justice, contrary to the provisions of the A.P. Rights in land and Pattadar Passbooks Act, 1971 and rules made there under, violative of Article 300 -A of the Constitution of India and consequently the impugned orders passed by the 2'nd respondent in D.Dis.D1/e-45566/2025 dated 09.06.2025 is liable to be set aside and pass

IA NO: 1 OF 2025

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 grant stay of all further proceedings in pursuance of the impugned proceedings of the 4th respondent issued in Rc.B.151/2024 dated 02.12.2024 and pass

IA NO: 2 OF 2025

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 restore the Petitioner name in the revenue records in enjoyment column as existed on 02.09.2024 by removing the name as a government land in revenue records and pass

IA NO: 3 OF 2025

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 implead the Proposed Petitioner as Respondent No.5 in the above writ petition and be pleased to 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 to vacate the interim order 01-07-2025 passed in W.P.No. 16067 of 2025 and dismiss the Writ Petition and pass

IA NO: 2 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 to grant leave to file this reply affidavit in W.P.No. 16067 of 2025 in the interest of justice and may be pleased to pass

IA NO: 3 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 to grant leave for filing of Counter affidavit to the Implead Petition filed in I.N NO.03 of 2025 W.P. No. 16067/2025 in the interest of justice and may be pleased to pass

Counsel for the Petitioner:

1. NAVULURU KRISHNA SAI

Counsel for the Respondent(S):

1. GP FOR ASSIGNMENT

The Court made the following:

ORDER

Assailing the proceedings of the 4th respondent *vide* Rc.B.151/2024, dated 02.12.2024 and the consequential proceedings issued by the 2nd respondent-Joint Collector *vide* D.Dis.D1/e-45566/2025 dated 09.06.2025, the above writ petition is filed.

2. a) The facts, in brief, as set out in the affidavit, are that the petitioner's father is the absolute owner of an extent of Ac.1.64 cents in S.No.59/2 of Hasthakaveri Revenue village, Balayapalli Mandal. He purchased the said property in the year 1950 and continued in possession, and his name was

updated in the Record of Rights. Adangals for fasli years 1403, 1404 and 1407 are filed along with the writ petition. After the death of his father, the petitioner succeeded to the property and has been in possession and enjoyment of the same. The petitioner and his father continued to be in possession for seven decades. The petitioner made an RTI application dated 13.08.2024 before the 4th respondent and requested the authority to furnish the DKT patta said to have been assigned in favour of Pallipati Guravaiah. The 4th respondent gave an endorsement dated 12.09.2024 (Ex.P4), however, the DKT patta was not furnished.

b) The petitioner received notice dated 02.11.2024 in Form-II (Ex.P6) under Rule 3 of the Andhra Pradesh Assigned Lands (Prohibition of Transfer) Rules, 2007 (for short "**the Rules**"). The petitioner submitted an explanation dated 07.11.2024 (Ex.P7). No notice under Form-I was issued. The 4th respondent, without affording an opportunity of hearing, issued proceedings (Ex.P1), cancelled the assignment patta and resumed the land and a copy of the same was not even furnished to the petitioner. In pursuance of Ex.P1 proceedings, the 2nd respondent-Joint Collector *vide* proceedings in D.Dis.D1/e-45566/2025, dated 09.06.2025 (Ex.P3), gave a direction to the 4th respondent by giving Webland backend access to delete the entries in the Record of Rights. The petitioner made an application dated 27.06.2025 (Ex.P2) under RTI to the 4th respondent to furnish a copy of the order of the 4th respondent dated 02.12.2024, and thereafter the petitioner was furnished Ex.P1 proceedings. Challenging the same, the above writ petition was filed.

3. An interim stay was granted on 01.07.2025 for a period of 8 weeks, and the same is being extended from time to time.

4. a) A counter affidavit was filed on behalf of the 4th respondent. It was contended, *inter alia*, that during the inspection by the field staff, the extent of Ac.1.64 cents in S.No.59/2 assigned in favour of Pallipati Guravaiah, however, is under the possession and enjoyment of Unnam Masthan Naidu. The land

assigned to a landless poor cannot be transferred by way of sale, gift, exchange etc., and the same is in violation of Section 3 of the Andhra Pradesh Assigned Lands (Prohibition of Transfer) Act, 1977 (for short "**the Act**"). The 4th respondent-Tahsildar initiated action in accordance with Rule 3 of the Rules and thereafter resumed the land vide Ex.P1 proceedings. The 4th respondent submitted a report to the Sub Collector, Gudur vide proceedings Rc.B.151/2024, dated 23.12.2024 requesting to provide access for modification n colum No.12 i.e. Pattadar name in webland adangal in respect of Ac.1.64 cents in S.No.59/2. The 2nd respondent, by Ex.P3 proceedings, granted permission and accordingly, changes have been incorporated in the webland adangal. Thereafter, the interim order was granted.

b) The Mandal Revenue Inspector, Mandal Deputy Surveyor and Village Revenue Officer of Balayapalli Mandal enquired about the matter and reported that as per Village Accounts of Hastakaveri Revenue Village, the land in S.No.59/2 with an extent of Ac.1.64 cents is classified as "AW/Gayalu". As per the webland adangal, Pallipati Guravaiah is the pattadar and Unnam Masthan Naidu is the enjoyer, and there is no relationship between the assignee and the name mentioned in the enjoyer column. The authorities followed the procedure under Rule 3 of the Rules and issued Form-I & II notices, duly giving an opportunity to both parties. None of them filed documents before the 4th respondent, and hence, the 4th respondent passed Ex.P4 order and eventually prayed to dismiss the writ petition.

5. A reply affidavit was filed by the petitioner denying issuance of Form-I. It is stated that notice in Form-II was issued to the father of the petitioner. Form-II was allegedly served on the assignee/legal representative. In Form-II, no details of assignment were mentioned. The alleged transactions were also not mentioned.

6. Heard Sri V.R. Reddy Kovvuri, learned counsel representing Sri Navuluri Krishna Sai, learned counsel for the petitioner and Sri Chandra

Sekhar, learned Assistant Government Pleader for Revenue for the respondents.

7. Learned counsel for the petitioner as well as learned Assistant Government Pleader for Revenue for the respondents reiterated the contentions as per the averments in the writ affidavit, reply affidavit and counter affidavit respectively.

8. Now, the points for consideration are:

1) **Whether the land of an extent of Ac.1.64 cents in S.No.59/2 of Hasthakaveri Revenue Village is assigned to Pallipati Guravaiah?**

2) **Whether the assignee alienated the land to the father of the petitioner? If so, whether it violates Section 3 of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977?**

3) **Whether the proceedings Exs.P1 and P3 withstand legal scrutiny?**

9. The copies of Forms I & II, issued under Rule 3 of the Rules, were filed at Page No.19 and 20 and do not indicate the date on which the assignment was made nor the date of alienation. Form-I, as per Rule 3 of the Rules, is the notice to be issued to the transferor/assignee stating that he had alienated the land assigned to him, which contravenes Section 3(2) of the Act and that the land is liable to be restored under Section 4 of the Act, for violation of Section 3 of the Act.

10. Form-II is the form/notice to be served on the transferee calling upon him to show cause as to why he should not summarily be evicted from the assigned land, since the person was found to be in the assigned land in contravention of Section 3(2) of the Act. In Form-I, Column No.4 prescribes

the details of the date of patta and certificate issued. In the said column, it was mentioned as Patta No.113 and the date of issuance of patta was not mentioned. Likewise, Form-II Column No.4 sets out description of the land. In the said column, it was mentioned as 'Purchaser', and no date was mentioned as to when the property was purchased. These are prime lacunas in Form-I and II.

11. The service of notices in Form-I & II to both the assignee and purchaser is mandatory as held by the learned single Judge of the composite High Court of Andhra Pradesh in **M/s Sudalagunta Sugars Limited Vs. The Joint Collector, Chittoor & Another**[1].

12. In **Dasari Narayana Rao Vs. Deputy Collector and Mandal Revenue Officer, Serilingampalli**[2], the learned single Judge of the composite High Court of Andhra Pradesh, held thus:

> "23. In the considered view of this Court the show-cause notice dated 16.2.2002 is itself invalid. The minimum requirement of a show-cause notice, in the context of an action initiated under the provisions of the 1977 Act is (a) it should assert that there was an assignment of land either under the provisions of the 1977 Act or under any Rules for the time being in force subject to a condition of non-alienation; that such "assigned land" was transferred by such assignee in contravention of the prohibition of alienation clause contained in the deed of assignment; (b) it should assert that the respondents to the show-cause notice had entered upon possession of "assigned land" under a deed of transfer which is invalid under the provisions of Section 3 of the 1977 Act. The show-cause notice must of necessity contain such factual assertions to enable the recipient (of the notice) to rationally respond and submit his objections, if any, to the proceedings initiated against him under the provisions of the 1977 Act. Issuance of a show-cause notice is not an

[1] 2017 (2) ALD 529 : 2017 (1) ALT 499
[2] (2010) 6 ALD 536 : (2010) 4 ALT 655

empty ritual. It should provide a reasonable and fair opportunity to the recipient of the show-cause notice to defend his title and possession of, the valuable right to property."

13. The Division Bench of this Court in **State of Andhra Pradesh, rep. by its Principal Secretary, Revenue Department and Others Vs. Kota Venkata Ramana and another**[3]after considering the ratio in **Sudalagunta Sugar's** case (*supra*-1) and **Dasari Narayana Rao**'s case (*supra*-2), summarised the issue and held thus:

a) The proceedings under the Act, are civil proceedings undertaken by a Tribunal. Any Tribunal, before exercise of jurisdiction, would have to assert the jurisdictional facts. This would require the authority, exercising jurisdiction under Section 4 of the Act, to state that the land, which is the subject matter of the proceedings under the Act, is land which had been assigned to the assignee with a clear condition of non-alienation, to bring the said land within the definition of "Assigned Land" set out in Section 2(1) of the Act.

b) Any proceeding, without such jurisdictional facts being settled and set out in the proceedings, would render such proceedings invalid.

c) Where the assigned land is sought to be resumed, on the ground of violation of the condition of non-alienation, both the transferor and the transferee would have to be given notice under Form-I and Form-II. Any order passed without serving both the forms to both transferor and transferee would vitiate the entire process.

d) The notices served on the transferor and transferee should contain relevant details such as the details of the assignment proceedings; the presence of the condition of non-alienation in the assignment document; the details of alienation done by the assignee in favour of a third party, etc. Non furnishing of such information would invalidate any order of resumption.

[3] 2024 SCC OnLine AP 3594

The Division Bench further concluded that –

> 36. For these reasons, the language in Rule 3 should be understood to mean that both forms have to be served on both the assignee and the transferee. Any failure to do so, would vitiate the entire proceedings. For these reasons, we are in respectful agreement with the views expressed in the judgments cited above.

14. In this case at hand, notice under Form-I was served on the relative of the alleged assignee and notice under Form-II was served on the writ petitioner, son of the alleged purchaser.

15. A perusal of Ex.P1, pursuant to Form-II, the petitioner made a representation dated 07.11.2024. However, the impugned order does not indicate that an opportunity of hearing was afforded to the petitioner. The 4th respondent placed heavy reliance upon the report of the Mandal Revenue Inspector and concluded that the land was assigned and the assignee alienated the property to the father of the petitioner and hence, contravened Section 3 (2) of the Act. It is pertinent to mention here that the impugned order does not indicate the date of assignment and whether it is before or after 1954. The counter affidavit also does not indicate as to the date of assignment in favour of Pallipati Guravaiah, except for stating Patta No.113. The petitioner in fact made all efforts, as seen from the material, to get the alleged assignment made in favour of the assignee; however, the respondents failed to furnish the same.

16. The conclusion of the authority that the land in question was assigned, in the considered opinion of this Court, is without any foundation. No opportunity of hearing was afforded to the petitioner. Apart from that, the notice under Form-I was not served on the petitioner. Since the 4th respondent failed to adhere to the procedure under Rule 3 of the Rules, the order impugned (Ex.P1) is liable to be set aside. Apart from that, as pointed out supra, the authority also failed to adhere to the principles of natural justice,

vis-à-vis affording an opportunity of hearing to the petitioner despite explanation. The reports of the Mandal Revenue Inspector, Village Revenue Officer and Village Revenue Assistant were not served to the petitioner, on which heavy reliance was placed by the 4th respondent.

17. Given the facts and circumstances of the case, the proceedings of the 4th respondent *vide* Rc.B.151/2024, dated 02.12.2024 (Ex.P1) are set aside.

In pursuance of Ex.P1 proceedings, the 2nd respondent issued proceedings dated 09.06.2025 (Ex.P3), directing the 4th respondent to effect changes in Webland adangal. Since the Ex.P1 proceedings itself are set aside, consequently, the proceedings issued by the 2nd respondent-Joint Collector vide D.Dis.D1/e-45566/2025 dated 09.06.2025 (Ex.P3) are quashed. The respondents 2 and 4 shall restore the name of the petitioner or the name of his father in respect of an extent of Ac.1.64 cents in S.No.59/2 of Hasthakaveri Revenue Village, Balayapalli Mandal, Tirupati District, forthwith. The 4th respondent shall restore the land to the petitioner with immediate effect.

18. Accordingly, the Writ Petition is Allowed. No order as to costs.

As a sequel, all the pending miscellaneous applications shall stand closed.

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JUSTICE SUBBA REDDY SATTI

PVD