APHC010444052026

IN THE HIGH COURT OF ANDHRA PRADESH

AT AMARAVATI **[3311]**

(Special Original Jurisdiction)

Monday, the fifth day of October, two thousand and twenty six

Present

The Honourable Ms. Justice B. S. Bhanumathi

Writ Petition No.24139 of 2026

Between:

Dama Lakshmi, D/o. late D. Adinarayana, W/o. Rajendra Reddy Vengala, Age: 48 years, Occ: Private employee, R/o. 20, Nico, Ct St. Jhons, Florida, 32259, U.S.A., D. No. 422, 1st main road, white Field, Sathya Sai Layout, Bengaluru. Rep.by G.P.A. holder, K. Vikram, S/o. K. Sundaran, Age: 58 years, R/o. D. No. 10-34, Bharathi Nagar Colony, Newpeta, Chandragiri, Tirupati district.

….Petitioner

and

1. The State of Andhra Pradesh, represented by its Principal Secretary (Panchayat Raj), Secretariat, Velagapudi, Guntur district.
2. The District Panchayat Officer, Tirupati, Tirupati district.
3. Padmavathipuram Gram Panchayat, rep. by its Panchayat Secretary / Panchayat Development Officer, Tiruapati Rural mandal, Tirupati district.
4. V. Chaithanya Kumar Reddy, S/o. V. Konda Reddy, Age: 41 years, Occ: Business, R/o. D. No. 4-183, Padmavatipuram, Tirupati, Tirupati district.

….Respondents

Counsel for the petitioner:

1. K. Sreedhar Murthy

Counsel for the respondents:

1. G.P. for Panchayat Raj & Rural Dev.
2. Sasanka Bhuvanagiri (S.C. for Non-Services ZPPS, MPPS, G.P. for Rayalaseema, S.P.S.R. Nellore, Prakasam)

The Court made the following:

ORDER:

This writ petition under Article 226 of the Constitution of India is filed seeking the following relief:-

> "… to issue a writ, more particularly, one in the nature of writ of Mandamus by declaring the action of the respondent No.3 in passing the proceedings vide Roc. 05/2026, dated 29.05.2026, declining to mutate petitioner's name towards the house bearing D. No. 4-183, Plot No.40, Padmavatipuram, Tirupati Rural mandal and revenue district as illegal, arbitrary and contrary to Article 300-A of the Constitution of India and consequently direct the respondents, particularly, respondent No.3, to mutate the petitioner's name towards residential property bearing D. No. 4-183, Padmavathipuram, Tirupati Rural by setting aside proceedings, dated 29.05.2026, and may pass such and other order or orders deem fit and proper by this Court in the interest of justice."

2. The case of the petitioner, briefly stated, is as follows:-

a. The father of the petitioner was a member of Sri Padmavati Co-operative Building Society Ltd., No.S.147, Tiruchanur (for short, "society"). On his application, Plot No.40 was allotted to his share value to construct a residential house in accordance with the rules of the society. A sale deed was duly executed by the society. The father of the petitioner constructed a house bearing Door No. 4-183, in the said plot as per the rules. He enjoyed the same. Since the mother of the petitioner was working as teaching faculty in the Institute of Hotel

Management and Catering Technology, Chennai, the father of the petitioner shifted to Chennai. So, he rented the house bearing Door No. 4-183 to Mr. Kodandarami Reddy. The tenant used to regularly pay rent to the father of the petitioner. After demise of the father of the petitioner, the mother of the petitioner used to collect the rent through the family friends. The parents of the petitioner used to look after the affairs of the building, like attending to repairs, paying taxes, electric bills etc., during their lifetime. Mr. Kodandarami Reddy died in the year 2006. Thereafter, his grandson, V. Chaithanya Kumar Reddy / respondent No.4 continued as tenant in the said building. The petitioner went to the U.S.A. with her husband in the year 2004. She often used to come to the native place. Taking advantage of her absence, the respondent No.4 stopped payment of rents from the year 2018. Though she tried to contact him, he did not answer her calls. Friends and relatives of the petitioner tried to meet him, but he used to threaten them with dire consequences. When the petitioner visited Tirupati on 15.06.2023, to her utter dismay, the respondent No.4 sublet the property to run a private school without informing to the petitioner, as if he (respondent No.4) is the owner of the house. When she questioned him about his illegal and irregular operation of the property, he reluctantly replied that he will throw some amount towards the property, if she wants to take it or to do whatever she can. Therefore, the petitioner enquired about the permission to run the school. Then, she came to know that the respondent No.4 changed the name in the municipal tax receipt and also obtained new electrical service connection in his name by managing the officials to knock away the property.

b. The petitioner made a representation to the Panchayat authorities and electricity department to restore her name in their records. On such

representation, the Panchayat Secretary, Padmavathipuram Panchayat, issued several notices to the respondent No.4 to attend the enquiry. Since the respondent No.4 failed to attend the enquiry, even after giving ample opportunities, the respondent No.3 passed an order on 12.02.2025 cancelling the mutation made in the name of the respondent No.4. The respondent No.4 made a representation on 14.02.2025 and issued notices, dated 17.03.2025, 21.07.2025, all after passing the order of cancellation in his name in the records. He also got filed a writ petition in W.P. No. 20909 of 2025. On 12.08.2025, at the time of admission, the learned Standing Counsel placed on record the instructions of the respondent No.3 stating that the petitioner therein / respondent No. 4 herein had not submitted any documents to prove his title over the subject property even after receiving several notices and that in the absence of any document, the authorities had cancelled the assessment order by verifying the records. Under those circumstances, this Court disposed of the writ petition on the same day directing the respondents to consider the representation and notices, dated 14.02.2025, 17.03.2025, 21.07.2025 submitted by the respondent No.4 and to pass a speaking order. In order to comply the order, once again the respondent No.3 issued notices, dated 23.10.2025, 22.11.2025 and 20.12.2025 to the respondent No.4 to attend to the enquiry with relevant documents. On 01.12.2025, the respondent No.4 attended the enquiry, but did not produce any valid document relating to the house property. As such, respondent No.3 rejected the claim of respondent No.4 by passing an order on 06.01.2026 duly considering the representation of the respondent No.4, dated 01.12.2025. While passing the order on 06.01.2026 cancelling the name of the respondent No.4, the respondent No.3 did not incorporate the name of the petitioner.

c. Aggrieved by the same, the petitioner submitted an application to the respondent No.2 on 14.01.2026 to restore her name in the records of house tax assessment and other panchayat and revenue records and issue revised assessment order. The respondent No.2 forwarded the same to the respondent No.3 for necessary action. The respondent No.3 passed a proceeding vide Roc. No.5/2026, dated 29.05.2026, observing that the respondent No.4 put a condition not to reveal anything about his documents and did not produce any document nor did he attend to the schedule hearing. The respondent No.3 further stated that the respondent No.4 mentioned that he had an unregistered sale deed executed by the father of the petitioner in favour of Sri V. Konda Reddy. The respondent No.3, on one hand says that the respondent No.4 did not produce any document nor did he attend the schedule hearing and on the other hand, says that the respondent No.3 is relying on an unregistered sale deed executed by the father of the petitioner in favour of father of the respondent No.4. Thus, the finding in the order, dated 29.05.2026, passed by the respondent No.3 is contrary to its own findings, leading to suspicion and perversity in the light of the facts of the case.

d. The order is not in accordance with Rule 9 of the rules relating to Certain Taxes & Lodging of Moneys received by the Gram Panchayat and Payment of Money from the Gram Panchayat Fund (for short, “the Rules”) which states that the entries to be made in tax assessment register in inclusion or removal or altering the valuation or classification of any house or even for substitution the name of the owner of any house, the name of any other person who has succeeded by transfer or otherwise to the ownership of the house. Whenever there is mutation of name of a person in the assessment register in place of a owner of

property located in the jurisdiction of the Gram Panchayat, notice to the owner or occupier whose name appears in the assessment register shall be issued before making any alteration. However, without following such a procedure, the name of the respondent No.4 was initially mutated. The reasons assigned in the impugned order, dated 29.05.2026, are illegal and the respondent No.3 is unnecessarily dragging the petitioner to civil litigation only to do undue favour to the respondent No.4. Hence, this writ petition is filed.

3. Despite service of notice on the respondent No.4, no appearance has been made.

4. The learned Standing Counsel for Gram Panchayat, representing respondent No.3, placed on record a copy of the written instructions, dated 23.08.2026, basing on which he submitted that the respondent No.4 can avail the remedy of appeal under Section 128 of the A.P. Panchayat Raj Act, 1994. He further submitted that the petitioner has an efficacious alternate remedy of institution of a comprehensive civil suit for recovery of possession and mesne profits, since there is a disputed question of title of the subject property, but there is no cause of action against this respondent for filing the writ petition.

5. The learned counsel for the petitioner submitted that instead of following the due procedure contemplated under law, the respondent No.3 is advising the petitioner to file a civil suit. In this regard, he further submitted that after cancelling the name of the respondent No.4 in the concerned records, the name of the petitioner ought to have been incorporated, more particularly, in view of the fact that respondent No.4 has not submitted any legally valid document showing title in his favour, and that if at all the respondent No.4 is aggrieved, he has to invoke any

civil remedy, but the name of the petitioner cannot be deleted from the records as she is the owner of the property, in the absence of transfer of title from the father of the petitioner under a valid document in anybody's favour. He strenuously contended that deletion of the name of the petitioner from the records without notice to her and in the absence of any valid document in favour of a third person itself is illegal and therefore, there is no substance in the grounds raised in the written instructions.

6. A perusal of the record and upon consideration of the arguments on both sides, it is clear that originally, the title of the subject property was with the father of the petitioner and he died subsequently, but it appears that the respondent No.4 claims title to the property under an unregistered sale deed again allegedly executed by the father of the petitioner in favour of father of respondent No.4. When there is no such document produced, in absence of valid transfer of title, the name of the respondent No.4 was rightly deleted from the concerned registers. But, consequently, the name of the petitioner ought to have been entered in the concerned registers. Failure to do so is improper. Since the name of the respondent No.4 was deleted by duly following the procedure and in pursuance of the order of this High Court, non-inclusion of the name of the petitioner by restoring the status before incorporation of the name of the respondent No.4 as successor of the property is not legally justified.

7. In the result, the Writ Petition is allowed directing the respondent No.3 to restore the name of the petitioner in the relevant records in respect of the subject property within two (2) weeks from the date of receipt of a copy of this order.

There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

B.S. BHANUMATHI, J

Dt. 05.10.2026
RAR