APHC010495012023

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3332]**
(Special Original Jurisdiction)

THURSDAY, THE 29th DAY OF OCTOBER 2026

PRESENT:THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

WRIT PETITION NO: 25694/2023

Between:

1. VEGGALAM NARYANA CHARI, S/O LATE VEGGALAM VENKATA SESHAMAIAH CHARY, AGED ABOUT 52 YEARS, OCC AGRICULTURE, R/O SURYAPALEM VILLAGE, PODALAKUR MANDAL, SPSR NELLORE DISTRICT

...PETITIONER

AND

1. THE STATE OF AP, REVENUE DEPARTMENT, SECRETARIAT, SECRETARIAT BUILDING, VELAGAPUDI, AMARAVATHI, REP. BY ITS PRINCIPAL SECRETARY.
2. THE DISTRICT COLLECTOR, SPSR NELLORE DISTRICT.
3. THE REVENUE DIVISIONAL OFFICER, NELLORE DIVISIONAL, SPSR NELLORE DISTRICT.
4. THE TAHSILDAR, PODALAKUR MANDAL, SPSR NELLORE DISTRICT.
5. SHAIK MASTHANAMMA, W/O SHAMSHAD BASHA, AGED ABOUT 50 YEARS, OCC REAL-ESTATE BUSINESS, R/O SURYAPALEM VILLAGE, PODALAKUR MANDAL, SPSR NELLORE 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 topleased to issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the 3rd respondent in passing the Impugned Order vide Rc.KJ2085/2022, dated 4.1.2023, and not implement the Order vide Rc.B/142/2022, dated 26.5.2022 issued by the 4th respondent, not mutate the petitioner name in the revenue

records in respect of the petitioner's agriculture land in Sy.No.320/5 to an extent of Ac.1.28 cents situated at Surayapalem Village, Podalakur Mandal, SPSR Nellore District, is highly illegal, arbitrary, unconstitutional, violation of Principles of Natural Justice and also in violation of Articles 14 and 300-A of the Constitution of India and set aside the Impugned Order vide Rc.K/2085/2022, dated 4.1.2023 issued by the 3rd respondent, and to implement the Order vide Rc.B/142/2022, dated 26.5.2022 issued by the 4th respondent, to mutate the petitioner name in the revenue records in respect of the petitioner's agriculture land in Sy.No.320/5 to an extent of Ac.1.28 cents situated at Surayapalem Village, Podalakur Mandal, SPSR Nellore District and pass

IA NO: 1 OF 2023

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 pleased to stay of all further proceedings pursuant to the Impugned Order vide Rc.K/2085/2022, dated 4.1.2023 issued by the 3rd respondent, by directing the respondent Nos.2 to 3 to implement the Order vide Rc.B/142/2022, dated 26.5.2022 issued by the 4th respondent, and to mutate the petitioner name in the revenue records in respect of the petitioner's agriculture land in Sy.No.320/5 to an extent of Ac.1.28 cents situated at Surayapalem Village, Podalakur Mandal, SPSR Nellore 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 vacate the interim order dated 04.12.2025 in WP.No.25694 of 2023 and dismiss the writ petition and to pass

Counsel for the Petitioner:

1. AKKEM SRIHARIVIRAT

Counsel for the Respondent(S):

1. GP FOR REVENUE
2. SATISH KUMAR S

ORDER

This Writ Petition is filed questioning the orders dated 04.01.2023 vide Rc.K/2085/2022 of respondent no.3 and the action of the respondent authorities in not implementing the Order vide Rc.B/142/2022, dated 26.05.2022 issued by respondent no.4.

2. Heard Sri Sriram Tellapragada , learned counsel representing Sri Akkem Srihari Virat, learned counsel for petitioner, Sri Venkata Satyanarayana, learned Assistant Government Pleader for Revenue and Sri Satish Kumar S., learned counsel for respondent no.5.

3. Sri Sriram Tellapragada, learned counsel, while reiterating the contents of the writ affidavit would contend that petitioner's father Venkata Seshamaiah was the adopted son of Venkat Rayudu and the subject land was bequeathed by Venkat Rayudu and his wife in favour of Venkat Rayudu under Will deed dated 11.03.1953 and after the death of the executors the petitioner's father came into possession. He would further contend that respondent no.5 got her name mutated in revenue records in respect of the subject property and thereby the petitioner made representation to the authorities for rectification of the revenue records and as they did not act upon, the petitioner filed writ petition vide W.P.No.7364 of 2022 and this Court disposed of the same directing the petitioner to submit online

application and the respondent no.4 to consider the same and pass orders. He would further contend that consequently, the respondent no.4 passed orders dated 26.05.2022 and name of the petitioner was mutated in revenue records and aggrieved thereby the respondent no.5 preferred an appeal before respondent no.3-RDO with delay, however, the respondent no.3 without considering the right and title and without considering the facts in true spirit passed the impugned orders. He would further contend that the order impugned are unsustainable and the respondent no.3-RDO has no jurisdiction to entertain the appeal. Accordingly, prayed to allow the writ petition.

4. On the other hand, Sri Venkata Satyanarayana, learned Assistant Government Pleader for Revenue and Sri Satish Kumar S., learned counsel for respondent no.5, justified the impugned orders stating that there is neither illegality nor procedural irregularity in passing the orders and therefore, the writ petition is devoid of merits and the same is liable to be set aside.

5. Perused the material available on record and considered the submissions made by learned counsel for the parties.

6. Section 5(5) of the Andhra Pradesh Rights in land and Pattadar Pass Books Act, 1971 says that against every order of the Mandal Revenue Officer either making an amendment in the record of rights or refusing to make such an amendment, an appeal shall lie to the Revenue Divisional Officer or such

authority as may be prescribed, within a period of sixty days from the date of communication of the said order and the decision of the appellate authority thereon shall subject to the provisions of Section 9, be final.

7. It is also relevant here to extract Rule-21 of the A.P. Rights in Land and Pattadar Pass Books Rules, 1989, which deals with appeals under Section 5(5) of the Act.

> **21**.(1) An appeal against every order of the Mandal Revenue Officer either making an amendment in the Record of Rights or refusing to make such amendment shall lie under sub-section (5) of Section 5 of the Act, to the Revenue Divisional Officer/Sub-Collector/Assistant Collector or such authority as may be notified by the Commissioner.
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> (2) Every appeal referred to in sub-rule (1) shall be in writing and shall set forth concisely the grounds thereof within a period of sixty days from the date of communication of the order and shall be accompanied by a copy of the order appealed against.

8. A conjoint reading of Section 5(5) of the Act and Rule 21(2) of the Rules shows that an appeal against every order either making an amendment or refusing to make such an amendment in record of rights has to be filed within 60 days from the date of the said order and it must be filed in a prescribed format accompanied by copy of the order appealed against.

9. In the decision in ***Thripuravaram Krishna Reddy vs. Joint Collector, Cuddpah***[1] ***this Court held as follows:***

[1] . 2009(1)ALD 248

> ***"5.*** *Admittedly, neither the so-called petition is in the form of appeal affixed with the required stamp nor was filed in time. No application for condonation of delay was claimed to be filed by respondent No. 4 nor respondent No. 2 passed any order condoning the delay before entertaining and adjudicating the appeal on merits. Respondent No. 2 ought not to have, therefore, entertained the petition of respondent No. 4 and treated it as an appeal. If respondent No. 4 was aggrieved by the issuance of pattadar passbooks and title deeds, he should have filed a statutory appeal under Section 5(5) of the Act, within the time limit, or a civil suit under Section 8(2) of the Act before the competent Civil Court. As he did not take recourse to either of the two remedies, it is beyond the jurisdiction of respondent No. 2 to entertain the petition filed by respondent No. 4, because he has no power akin to the power vested in respondent No. 1 under Section 9 of the Act."*

10. As per the above observations, when the appeal was not filed in the prescribed form and within the time stipulated and without any delay condonation petition, the authorities cannot entertain the same treating the same as appeal.

11. In the instant case, the respondent no.5 in his counter affidavit admitted that he had preferred appeal before the Revenue Divisional Officer on 02.11.2022 and there is no mention of filing any delay condonation petition. Therefore, it is evident that the order passed by the respondent no.4 dated 26.05.2022 has been questioned before the Revenue Divisional Officer on 02.11.2022 i.e. beyond sixty day period prescribed for preferring appeal, without filing any delay condonation petition. In view of the observations made in the decision referred to supra, the respondent cannot entertain the same.

12. It is further evident from the impugned orders that the appeal has been preferred under Sub Section (4) of Section 5-A of A.P. Rights in Land and Pattadar Pass Books Act, 1971 (for short, 'Act,1971').

13. Sub Section (4) of Section 5-A deals with Regularisation of Unregistered Transactions and it allows transferees or alienees who acquired agricultural land through oral agreements, plain paper writings, or unregistered documents to apply for the validation of their land transfer.

14. If at all the respondent no.5 is aggrieved by the orders passed under Section 5(3) of the Act, 1971, she can prefer an appeal under Section 5(5) of the Act, but not under Sub Section (4) of Section 5-A of the Act which deals with altogether with a different subject.

15. Further, if the respondent no.5 intends to regularize her unregistered sale agreements, she has to approach the primary authority by filing an application under Section 5-A of the Act, but she cannot file appeal questioning the orders passed under section 5(3) of the Act. Therefore, the Revenue Divisional Officer while sitting as an appellate authority against the orders passed under Section 5(3) of the Act by exceeding his jurisdiction regularized the sale agreement and therefore, the order impugned is highly unsustainable.

16. In view of the above, since the Revenue Divisional Officer, without having jurisdiction entertained the appeal and passed the impugned orders, the same is liable to be set aside.

17. Accordingly, the writ petition is disposed of, setting aside the impugned order vide Rc.K/2085/2022, dated 04.01.2023. However, this order does not preclude the authorities from taking steps in accordance with law. There shall be no order to costs.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE RAVI CHEEMALAPATI

29th October, 2026

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