Date of reserved for orders: 05.10.2026
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APHC010514832026

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: 28146/2026

Between:

1. KANTE NAVEEN BABU, S/O K.RAMACHNADRA, AGED ABOUT 26 YEARS, OCC AGRICULTURIST, R/O D.NO.10-4, KANTEVARIPALLI VILLAGE, KURABALAKOTA MANDAL, ANNAMAYYA DISTRICT.
2. KANTE RAM BABU,, S/O K.RAMACHNADRA, AGED ABOUT 29 YEARS, OCC AGRICULTURIST, R/O D.NO.10-4, KANTEVARIPALLI VILLAGE, KURABALAKOTA MANDAL, ANNAMAYYA DISTRICT.
3. KANTE MALLIKARJUNA,, S/O K.K.BALAPPA, AGED ABOUT 43 YEARS, OCC AGRICULTURIST, R/O D.NO.10-4, KANTEVARIPALLI VILLAGE, KURABALAKOTA MANDAL, ANNAMAYYA DISTRICT.

...PETITIONER(S)

AND

1. THE STATE OF ANDHRA PRADESH, REP.BY ITS PRINCIPAL SECRETARY, REVENUE DEPARTMENT, SECRETARIAT BUILDINGS, VELAGAPUDI VILLAGE, THULLURU MANDAL -522238, GUNTUR DISTRICT.
2. THE DISTRICT COLLECTOR, MADANAPALLE - 517325, ANNAMAYYA DISTRICT.
3. THE REVENUE DIVISIONAL OFFICER, MADANAPALLE - 517325, ANNAMAYYA DISTRICT.

4. THE TAHSILDAR, KURABALAKOTA VILLAGE AND MANDAL, ANNAMAYYA DISTRICT - 517350

...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 toissue an order, direction or writ, more particularly one in the nature of writ of Mandamus, declaring the action of the Respondents in resuming the assigned land admeasuring Ac.3.50 cents out of Ac.5.00 cents in Survey No.1886-1, Kurabalakota Revenue Village, Kurabalakota Mandal, Annamayya District, without following the due process of law, and without paying compensation and Rehabilitation and Resettlement benefits under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, as illegal, arbitrary, violative of Articles 14, 21 and 300-A of the Constitution of India and Consequently, direct the Respondents to pay compensation to the Petitioners for the resumed Assignee land admeasuring Ac.3.50 cents out of Ac.5.00 cents situated in Survey No.1886-1, Kurabalakota Revenue Village, Kurabalakota Mandal, Annamayya District, and also direct the Respondents not to dispossess the Petitioners from the remaining extent of Ac.1.50 cents out of Ac.5.00 cents situated in Survey No.1886-1, Kurabalakota Revenue Village, Kurabalakota Mandal, Annamayya District except by following the due process of law

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 direct the Respondents to pay compensation to the Petitioners for the resumed Assignee land admeasuring Ac.3.50 cents out of Ac.5.00 cents situated in Survey No.1886-1, Kurabalakota Revenue Village, Kurabalakota Mandal, Annamayya District, pending disposal of the above writ petition

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 direct the Respondents not to dispossess the Petitioners from the remaining extent of Ac.1.50 cents out of Ac.5.00 cents situated in Survey No.1886-1, Kurabalakota Revenue Village, Kurabalakota Mandal, Annamayya District, pending disposal of the above writ petition

Counsel for the Petitioner(S):

1. M VENKATA RAMANA REDDY

Counsel for the Respondent(S):

1. GP FOR REVENUE

The Court made the following:

ORDER

Petitioners, 3 in number, filed the above writ petition to declare the action of respondents 2 to 4 in resuming the assigned land of an extent of Ac.3.50 cents, out of Ac.5.00 cents in S.No.1886-1, Kurabalakota Revenue Village and Mandal, Annamayya District, without paying compensation under the Act 13 of 2013, as illegal and arbitrary and further to direct the respondents 2 to 4 not to disposes the petitioners from the remaining extent of Ac.1.50 cents, out of Ac.5.00 cents, without following due process of law.

2. a) Averments in brief, as set out in the affidavit, are that originally an extent of Ac.5.00 cents in S.No.1886-1, Kurabalakota Revenue Village and Mandal, Annamayya District, was assigned to late Kante Mallaiah, S/o Gangappa. Kante Mallamma, daughter of Kante Mallaiah, married Sri Kadiri Venkatappa of Ankisettipalle, and the said Mallamma went to the matrimonial home. Kante Mallaiah and his wife Narayanamma were looked after by Kante Balappa.

b) The 4th respondent herein, vide proceedings Roc.A/98/2021, dated 02.08.2021, cancelled the D Form Patta granted in favour of Kante Mallaiah for an extent of Ac.3.50 cents, out of Ac.5.00 cents and resumed the said land, without paying compensation. The petitioners filed suit O.S.No.813 of 2022 on the file of Civil Judge (Junior Division), Madanapalle, against the Government and its officials seeking perpetual injunction in respect of Ac.5.00 cents in S.No.1886/1. The 3rd defendant in the suit i.e. Tahsildar, Kurabalakota, filed a written statement. Pending the suit, the 4th respondent

attempted to dispossess the petitioners from Ac.1.50 cents, and hence, the writ petition is filed.

3. Heard Sri M.Venkata Ramana Reddy, learned counsel for the petitioners and Sri Chandra Sekhar, learned Assistant Government Pleader for Revenue, for the respondents.

4. Learned counsel for the petitioners, while reiterating the contentions as per the averments in the affidavit, would further contend that the prayer sought for in the suit O.S.No.813 of 2022 filed by the petitioners is different from the prayer sought for in the writ petition.

5. Sri Chandra Sekhar, learned Assistant Government Pleader for Revenue for the respondents, on the other hand, would contend that as seen from the written statement filed in suit O.S.No.813 of 2022, which was filed along with the writ petition, Kadire Mallamma, daughter of Kante Gorla Mallaiah, succeeded to the property. Kadire Mallamma was blessed with a daughter by name Ramanamma, who was given in marriage to one Chade Rajanna. Kadire Mallamma, W/o Venkatappa, gave a statement that she had no objection to resume the land of an extent of Ac.3.50 cents, out of Ac.5.00 cents in S.No.1886/1 for public purpose. Hence, the then Tahsildar initiated proceedings and cancelled the assignment of an extent of Ac.3.50 cents and resumed it to the Government vide proceedings D.Dis.A/98/2021, dated 02.08.2021. A layout was made in the land resumed, and pattas were issued to 142 eligible beneficiaries. The petitioners have landed properties in the vicinity and are not entitled to assignment. Thus, the learned Assistant Government Pleader for Revenue would submit that the petitioners cannot claim possession over the property of an extent of Ac.1.50 cents. In fact, no injunction was granted in the suit. He would submit that the petitioners, who filed the suit, cannot maintain the writ petition, which is a parallel proceeding.

6. I have given my anxious consideration to the material and contentions advanced. As seen from Ex.P1, D Form patta was issued in favour of K.Mallaiah for an extent of Ac.5.00 cents in S.No.1886-1 of Kurabalakota Revenue Village and Mandal, Annamayya District. Even as per the averments in the affidavit, Ac.3.50 cents, out of Ac.5.00 cents, was resumed *vide* proceedings D.Dis.A/98/2021, dated 02.08.2021. The petitioners filed suit O.S.No.813 of 2022 on the file of Civil Judge (Junior Division), Madanapalle, seeking perpetual injunction against the respondents 2 to 4 herein and other officials. No interim injunction was granted in the suit, as seen from the averments in the affidavit.

7. Whether the petitioners are in possession and enjoyment, or the daughter of Kante Mallaiah i.e. Kadire Mallamma or her daughter Ramanamma, is in possession and enjoyment, is a disputed question of fact. This Court will not go into that aspect at this juncture. This Court is also not going into the validity or genuineness of the alleged Will filed along with the writ petition.

8. No doubt, as rightly contended by the learned Assistant Government Pleader, the petitioner filed a civil suit seeking perpetual injunction and approached this Court; hence, no relief can be granted. However, even according to the respondent authorities, out of Ac.5.00 cents, Ac.3.50 cents was resumed. Hence, the other extent of Ac.1.50 cents S.No.1886-1 of Kurabalakota Revenue Village and Mandal is in the possession of the descendants of the original assignee.

9. Given the facts and circumstances of the case, without going into the aspect of the disputed question *vis-à-vis* the possession i.e. the petitioners or the daughter and granddaughter of original assignee, as pointed out *supra*, since there is no dispute regarding Ac.1.50 cents of land is remained out of Ac.5.00 cents, this Writ Petition is disposed of directing the respondents 2 to 4 not to dispossess the petitioners from an extent of Ac.1.50 cents out of

Ac.5.00 cents in S.No.1886-1 of Kurabalakota Revenue Village and Mandal, Annamayya District, without following due process of law. No order as to costs.

This Court is reiterating that this Court has not recorded any finding regarding possession of the petitioners *vis-à-vis*, an extent of Ac.1.50 cents out of Ac.5.00 cents in S.No.1886-1 of Kurabalakota Revenue Village and Mandal, Annamayya District.

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

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JUSTICE SUBBA REDDY SATTI

PVD