APHC010589912023

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

TUESDAY, THE 27th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

WRIT PETITION NO: 30460/2023

Between:

1. G RAVISANKAR REDDY, S/O LATE G.VEMA REDDY, AGED ABOUT 47 YEARS, R/O AKUTHOTAPALLI VILLAGE, ANANTHAPURAMU RURAL MANDAL, ANANATHAPURAMU DISTRICT.

...PETITIONER

AND

1. THE STATE OF AP, REP BY ITS PRINCIPAL SECRETARY, REVENUE DEPARTMENT, SECRETARIAT BUILDINGS, VELAGAPUDI, AMARAVATHI, GUNTUR DISTRICT.
2. THE DISTRICT COLLECTOR, ANANTHAPURAMU, ANANTHAPURAMU DISTRICT.
3. THE REVENUE DIVISIONAL OFFICER, ANANTHAPURAMU, ANANTHAPURAMU DISTRICT.
4. THE TAHSILDAR, ANANTHAPURAMU RURAL MANDAL, ANANTHAPURAMU, ANANTHAPURAMU DISTRICT.
5. S AYUB KHAN, S/O LATE MOHIDDIN KHAN, R/O D.N0.2-98A1, KOTNUR, HINDUPUR TOWN, ANANTHAPURAMU 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 to issue a Writ of Mandamus or any other appropriate Writ or direction declaring the proceedings of the 3rd respondent passed in D.Dis.No.D2/(B)/947/2022 dated 7-10-2023 as illegal and arbitrary and further declare the possession patta D.Dis 14/1418 dated 22-12-2008 granted by the 4threspondent in favour of 5th respondent and the consequential mutation of

the 5th respondent in a record of rights as null and void and nonest in the eye of law and not binding on the petitioner and consequently set aside the above said proceedings and further direct the 4th respondent to cancel the mutation of the name of 5th respondent from the record of rights in respect of the land in S.No.187/2 an extent of Ac.5-00 of Itukalapalli village, Ananthapuramu Rural Mandal and enter the name of the petitioner in record of rights in respect of the above said land, 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 direct the 4th respondent to keep the land in S.No. 187/2 an extent of Ac.5-00 situated at Itukalapalli village. Ananthapuramu Rural Mandal in dispute land category pending disposal of the above Writ petition, and pass

IA NO: 1 OF 2024

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 vacate the Interim order dated 24.11.2023 passed in W.P.No. 30460 of 2023 and dismiss the writ petition

IA NO: 2 OF 2024

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 orders Dt.24.11.2023 passed by this Hon'ble Court in W.P. No.30460 of 2023 and also dismiss the writ petition and to pass

Counsel for the Petitioner:

1. K NARSI REDDY

Counsel for the Respondent(S):

1. GP FOR REVENUE
2. SUBBA RAO KORRAPATI

The Court made the following:

ORDER:

Assailing the proceedings of the Revenue Divisional Officer, Anantapuram, vide proceedings No.D.Dis.No.D2/(B)/947/2022, dated 07.10.2023, dismissing the petitioner's appeal filed under the provisions of the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971 (for short 'the Act'), the present writ petition has been filed.

2. Heard Sri K.Narsi Reddy, learned counsel for the petitioner, Sri Venkata Satyanarayana, learned Assistant Government Pleader for Revenue appearing for respondent Nos.1 to 4 and, Sri Subba Rao Korrapati, learned counsel for respondent No.5.

3. While reiterating the contents of the affidavit, learned counsel for the petitioner submitted that the schedule property is the ancestral property of the petitioner, wherein the writ schedule property has fallen to the petitioner's share by virtue of a partition. While so, the Revenue authorities mutated the name of the unofficial respondent in the revenue records, contrary to the provisions of Act, 1971 and the Rules, 1989. Assailing the same, the petitioner preferred an appeal before the 3rd respondent, wherein the 3rd respondent erroneously dismissed the appeal without going into the merits and demerits of the case and without proper application of mind, in a mechanical manner. As the said authority has passed orders in clear violation of principles of natural justice, the present writ petition has been filed. In fact, it is a fit case to remand the matter to the concerned Revenue Divisional Officer for fresh adjudication. Accordingly, prayed to pass appropriate orders.

4. Learned Assistant Government Pleader for Revenue appearing for respondent Nos.1 to 4 and learned counsel for respondent No.5, in one voice, contended that the Revenue Divisional Officer/the 3rd respondent herein has no authority to entertain an appeal under the provisions of the Act, 1971, in the absence of any order under Section 5(3) (Mutation Order). The law is well settled by the principles laid down by the Composite High Court of Andhra Pradesh in ***T.Rajeswari v. Joint Collector, SPSR Nellore District***[1]. In the said circumstances, remanding the matter to the Revenue Divisional Officer does not arise. The authority has rightly dismissed the appeal and no valid or justifiable grounds have been raised or made out in the present writ petition warranting interference by this Court. Accordingly, prayed to dismiss the writ petition.

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

6. Admittedly, there is no mutation order passed by the Tahsildar under Section 5(3) of the Act, 1971. The grievance of the petitioner is that the Tahsildar high-handedly and erroneously mutated the name of the unofficial respondent in the revenue records, against which the petitioner preferred an appeal before the Revenue Divisional Officer. As rightly contended by the learned counsel for the respondents, in the absence of any order under Section 5(3) of the Act, 1971, no appeal can be preferred before the Revenue Divisional Officer. The ground on which the petitioner's appeal has been dismissed is that the petitioner has not challenged the assignment granted in

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favour of the 5th respondent in the year 2008 and, without questioning the same, cannot question the mutation proceedings. To some extent, the Revenue Divisional Officer is right in saying so, but he has missed the law on hand that he has no power or authority to entertain the petitioner's appeal without there being an order under Section 5(3) of the Act. However, this Court cannot lose sight of the rights of the petitioner and close the doors affecting his available rights over the property. The petitioner can as well question the mutation so made in favour of the 5th respondent, as well as the assignment granted in favour of the 5th respondent, either by approaching the competent authority or by approaching the Civil Court, as advised.

7. At this juncture, learned counsel for the petitioner submitted that the 5th respondent, taking advantage of this situation, is apprehending alienation of the schedule property. In such an eventuality, third-party interests may also come into play and create multifarious litigation. There is some force in his contention. This Court is inclined to protect the petitioner's interest in that regard for a limited period. Accordingly, there shall be an order of *status quo* with regard to the subject property, and the 5th respondent shall not alienate the subject property for a period of four (04) weeks. In the interregnum period, the petitioner shall take steps, or else the interim order shall stand vacated.

8. Accordingly, the Writ Petition is ***disposed of***. There shall be no order as to costs.

As a sequel, miscellaneous applications, pending if any, shall stand closed.

JUSTICE RAVI CHEEMALAPATI

Date: 27.10.2026.
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