APHC010939952018

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3333]**
(Special Original Jurisdiction)

TUESDAY, THE 27th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SMT JUSTICE V.SUJATHA

WRIT PETITION NO: 45407/2018

Between:

1. N. SUMATHI, W/O N.SURYANARAYANA RAJU, AGED 60 YEARS, CULTIVATION, R/O THIMMARAJUKANDRIGA, PUTTUR MANDAL, CHITTOOR DISTRICT

...PETITIONER

AND

1. STATE OFAP, REP BY ITS PRINCIPAL SECRETARY, REVENUE DEPT, AP SECRETARIAT, VELAGAPUDI AT AMARAVATHI, GUNTUR DISTRICT-522020, AP
2. THE DISTRICT COLLECTOR, CHITTOOR
3. THE TAHSILDAR, PUTTUR MANDAL, PUTTUR, CHITTOOR DISTRICT
4. SRI SUBRAMANI FOREST RANGE OFFICER, PUTTUR, CHITTOOR DISTRICT
5. THE DIVISIONAL FOREST OFFICER, CHITTOOR EAST, CHITTOOR R5 IS IMPLEADED AS PER C.O. DT. 28-12-18 IN I.A. 2/18

...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, Order or direction, more particularly one in the nature of Writ of Mandamus, declaring the action of Respondents 3 and 4, in interfering with Petitioner's peaceful possession and enjoyment of land of an extent Ac.3.80 cents in Sy.No.467/2, situated in Kasimkuppam Village

Accounts, Puttur Mandal, Chittoor District as arbitrary, discriminatory and illegal and consequently direct Respondents 3 and 4 not to interfere with Petitioner's peaceful possession and enjoyment of the said land and with all other consequential benefits and pass

IA NO: 1 OF 2018

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 interim stay of dispossession of Petitioners from the land of an extent of Ac.3.80 cents inSy.No.467/2, situated in Kasimkauppam Village Accounts, Puttur Mandal, Chittoor District, pending disposal of the Writ Petition and pass

IA NO: 2 OF 2018

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 permit the petitioner to implead divisional forest officer, Chittoor East, Chittoor as party respondent No.5 in WP.No. 45407/2018 and as well as IA.No. 01/2018 as party respondent No.5 and pass

IA NO: 1 OF 2021

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 orders dt: 28-12-2018 in WP.No.45407/2018 and dismiss the writ petition

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 pleased to permit the petitioner to file his Rejoinders to the Counter Affidavits filed by the Respondents 3 and 4 in the above Writ Petition by granting leave in the interest of justice and to pass

Counsel for the Petitioner:

1. SOORA VENKATA SAINATH

Counsel for the Respondent(S):

1. GP FOR REVENUE (AP)
2. GP FOR FORESTS

The Court made the following:

THE HONOURABLE SMT JUSTICE V.SUJATHA

WRIT PETITION NO: 45407 of 2018

ORDER:

This writ petition is filed seeking the following relief/s:

> "….to issue a Writ, Order or direction, more particularly one in the nature of Writ of Mandamus, declaring the action of Respondents 3 and 4, in interfering with Petitioner's peaceful possession and enjoyment of land of an extent Ac.3.80 cents in Sy.No.467/2, situated in Kasimkuppam Village Accounts, Puttur Mandal, Chittoor District as arbitrary, discriminatory and illegal and consequently direct Respondents 3 and 4 not to interfere with Petitioner's peaceful possession and enjoyment of the said land and with all other consequential benefits and pass…."

2. The case of the petitioner, in brief, is that she was granted DKT Patta No.39/4/1396, dated 09.01.1986, in respect of land admeasuring Ac.3.80 cents in Sy.No.467/2 of Kasimkuppam Village, Puttur Mandal, under the landless poor category. The petitioner claims to have developed the land for cultivation. It is further stated that her name was recorded in the revenue records and that Pattadar Passbook and Title Deeds were also issued in her favour. It is further contended that respondent Nos.3 and 4 interfered with her peaceful possession and enjoyment of the subject land on 03.12.2018 and 10.12.2018, despite her producing the relevant documents. The petitioner alleges that no notice was issued to her and that she had not violated any of the conditions of assignment. Aggrieved by the said action of respondent Nos.3 and 4, the petitioner constrained to file the present Writ Petition.

3. When the writ petition came up for hearing, this Court passed the following Interim Order:

> "There shall be a direction to respondent Nos.3 to 5 to conduct a Joint Survey by issuing notice to the petitioner and take appropriate action. Meanwhile, *status-quo* obtaining as on today shall be maintained regarding possession of the subject property".

4. Respondent No.3 filed a counter-affidavit duly admitting the facts as stated by the petitioner. However, it is stated that, pursuant to the interim order passed by this Court in I.A.No.1 of 2018, dated 28.12.2018, a joint inspection of the subject land was conducted on 27.07.2021 by the officials of the Revenue and Forest Departments, including the Forest Range Officer, Puttur, Deputy Inspector of Survey and Land Records, an official from the Office of the Revenue Divisional Officer, Chittoor, Mandal Surveyor, Puttur, and Additional Revenue Inspector, Puttur. It is further stated that notice was issued to the petitioner *vide* proceedings in Roc.A/367/2019, dated 20.07.2021, requesting her to attend the inspection. Though the petitioner refused to receive the notice, her husband, Sri N. Surya Narayana Raju, attended the inspection on her behalf. During the inspection, it was found that no traces of cultivation existed in the subject land and that no mango saplings had been raised therein, as claimed by the petitioner. It was further confirmed that the subject land falls within Compartment No.365 of the Reserve Forest. Hence, prayed to dismiss the Writ Petition.

5. Respondent No.4 also filed a counter-affidavit on similar lines, stating that the land situated in Compartment No.365 of Narayanavanam Reserve Land was notified under Section 4 of the Andhra Pradesh Forest Act, 1967, *vide* G.O.No.1967, F&A (For-III) Department, dated 27.09.1968, which was published in the District Gazette on 19.10.1968. It is further stated that, as per the aforesaid Government Order, any land notified under Section 4 of the Andhra Pradesh Forest Act, 1967, and in the process of reservation under Section 15 of the said Act, falls within the classification of 'Adavi/Forest'. Consequently, the provisions of the Forest (Conservation) Act, 1980, are attracted and prior approval of the Government of India is required for utilizing such land for non-forestry purposes. Hence, requested to dismiss the present Writ Petition.

6. Respondent No.3 also filed an additional counter-affidavit stating that on verification of the connected revenue records, it was revealed that the

petitioner's husband Sri N. Suryanarayana Raju, S/o. Balakrishnama Raju, had already been granted DKT Patta *vide* proceedings No.1-09/4/92, dated 25.10.1982, in respect of land admeasuring Ac.4.00 cents in Sy.No.447 of Taduku Revenue Village, Puttur Mandal. Thereafter, his name was also recorded as pattadar *vide* 1-B Khata No.274. It is further stated that on physical verification, no mango orchard aged about 15 years was found to exist in the subject land. The respondents contend that the petitioner suppressed the fact of the earlier grant of DKT Patta in favour of her husband and by misleading the authorities, obtained DKT Patta No.39/4/1396, dated 09.01.1986, in respect of land admeasuring Ac.3.80 cents in Sy.No.467/2 of Kasimkuppam Village, Taduku Group, Puttur Mandal and that her name was subsequently recorded as pattadar *vide* Khata No.281 in the 1-B Register. It is further contended that only one member of a family is eligible for grant of DKT Patta and therefore, the subsequent grant of DKT Patta in favour of the petitioner, despite the earlier grant in favour of her husband in the year 1982, is highly irregular and contrary to law. Accordingly, the respondents stated that proposals had been submitted to the Joint Collector for cancellation of the assignment under BSO 15(18). On these grounds, respondent No.3 sought to vacate the interim order dated 28.12.2018. The petitioner also filed a rejoinder reiterating the averments made in the Writ Petition.

7. Heard learned counsel for the petitioner, learned Assistant Government Pleader for Revenue and learned Assistant Government Pleader for Forests, appearing for the respondents.

8. On perusal of the pleadings and the material placed on record, it is evident that the grant of DKT Patta in favour of the petitioner on 09.01.1986 is not in dispute. It is also not in dispute that her name was subsequently mutated in the revenue records and Pattadar Passbook and Title Deeds were issued in her favour. However, the respondents, on the basis of the joint inspection conducted on 27.07.2021, contended that the subject land falls within Compartment No.365 of Narayanavanam Reserve Land, which was

notified under Section 4 of the Andhra Pradesh Forest Act, 1967, *vide* G.O.No.1967, F&A (For-III) Department, dated 27.09.1968. The respondents have also raised an objection regarding the subsequent grant of DKT Patta in favour of the petitioner, in view of the earlier grant of DKT Patta in favour of her husband in the year 1982.

9. It can be observed that whether the DKT Patta granted in favour of the petitioner in the year 1986 was issued by mistake or was obtained by suppressing the fact that a DKT Patta had already been granted in favour of her husband is a matter to be examined and decided by the competent Revenue Authorities after conducting a proper enquiry. If the patta was obtained by misleading the Revenue Authorities, appropriate action for its cancellation may be initiated in accordance with law, after issuing notice to the petitioner and affording her an opportunity of hearing. However, admittedly, no such proceedings have been initiated against the petitioner till date, despite the specific contention of the respondents that the petitioner obtained the patta by suppressing the earlier grant of DKT Patta in favour of her husband.

10. In view of the fact that the petitioner has been in possession of the subject land by virtue of the DKT Patta granted in his favour in the year 1986, this writ petition is disposed of directing the respondents not to interfere with the peaceful possession and enjoyment of the subject land without following due process of law. There shall be no order as to costs.

As a sequel, Interlocutory Applications pending, if any, shall stand closed.

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JUSTICE V. SUJATHA

Date: 27.10.2026
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