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APHC010174622023

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI [3330]
(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SIXTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO

WRIT PETITION No. 8923/2023

BETWEEN:

1. M SWARNALATHA @ SUNITHA, W/o. M.MEGHANADH, AGED ABOUT 42 YEARS, OCC: HOUSEHOLD, R/O. M.KOTHAPALLI, H/o. MUNGILIPATTU VILLAGE, CHANDRAGIRI MANDAL, TIRUPATI DISTRICT (PREVIOUSLY CHITTOOR DISTRICT), ANDHRA PRADESH 517102.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY PRINCIPAL SECRETARY (REVENUE DEPARTMENT), SECRETARIAT BUILDING, VELGAPUDI, GUNTUR DISTRICT.
2. THE DISTRICT COLLECTOR, TIRUPATI DISTRICT. (PREVIOUSLY CHITTOOR DISTRICT).
3. THE REVENUE DIVISIONAL OFFICER, SRIKALAHASTHI, TIRUPATI DISTRICT (PREVIOUSLY CHITTOOR DISTRICT).
4. THE TAHSILDAR, SRIKALAHASTHI MANDAL, TIRUPATI DISTRICT (PREVIOUSLY CHITTOOR 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 an appropriate writ more particularly one in the nature of writ of Mandamus declaring the action of the 2nd respondent herein in passing the impugned Order vide Proceedings Rc.E2/2111/2022 dated 03-02-2023 whereunder the 2nd respondent rejected the application of the petitioner for deletion of land to an extent of Ac 0.15 cts in Sy.No. 385-2 and Ac. 1.29 cts in Sy.No. 462 of Inagalur Village, Srikalahasthi Mandal, Tirupati District from the list of prohibited properties U/S 22A of Registration Act, 1908 contrary to the recommendation made by the 3rd respondent vide Roc.D/1368/2021 dated 26-03-2022 and further without making any enquiry about the documents submitted by this petitioner as illegal, arbitrary and opposed to the established principles of law and contrary to the Circular instructions issued by CCLA vide CCLA's Ref.No.Assn.I (1) / 351/2022 dated 20-05-2022 and is in violation of Article 14 and 300-A of the Constitution of India and Consequently set aside the Impugned Order of the 2nd respondent vide Proceedings Rc.E2/2111/2022 dated 03-02-2023 by directing the 2nd respondent herein to delete the subject lands of the petitioner mentioned above from the list of Prohibited Properties U/S 22A of Registration Act, 1908 and pass

Counsel for the Petitioner:

1. G V V S VARA PRASAD

Counsel for the Respondent(S):

1. GP FOR REVENUE

The Court made the following:

ORDER:

The present Writ Petition is filed under Article 226 of the Constitution of India for the following relief/s:

> ……to issue an appropriate writ more particularly one in the nature of writ of Mandamus declaring the action of the 2nd respondent in passing the impugned Order vide Proceedings Rc.E2/2111/2022 dated 03.02.2023 whereunder the 2nd respondent rejected the application of the petitioner for deletion of land to an extent of Ac.0.15 cts in Sy.No.385-2 and Ac.1.29 cts in Sy.No.462 of Inagalur Village, Srikalahasthi Mandal, Tirupati District from the list of prohibited properties U/S 22A of Registration Act, 1908 contrary to the recommendation made by the 3rd respondent vide Roc.D/1368/2021 dated 26.03.2022 and further without making any enquiry about the documents submitted by this petitioner as illegal, arbitrary and opposed to the established principles of law and contrary to the Circular instructions issued by CCLA vide CCLA's Ref.No.Assn.I(1)/351/2022 dated 20.05.2022 and is in violation of Article 14 and 300-A of the Constitution of India and Consequently set aside the Impugned Order of the 2nd respondent vide Proceedings Rc.E2/2111/2022 dated 03.02.2023 by directing the 2nd respondent herein to delete the subject lands of the petitioner mentioned above from the list of Prohibited Properties U/S 22A of Registration Act, 1908 and pass such other order or orders….

2. The petitioner herein filed application in MeeSeva vide Application No.TTA012100075924 dated 27.09.202 with a request to delete the land to an extent of Ac.1.29 cents in Survey No.462, an extent of Ac.0.15 cents in Survey No.385/2 of Inagalur village of Srikalahasthi Mandal from the prohibited properties list under Section 22(A) of Registration Act, 1908, to the 2nd respondent-District Collector. The 2nd respondent-District Collector after conducting the enquiry has rejected the application filed for deletion of the land from the prohibited list of properties vide proceedings in Rc.E2/2111/2022, dated 03.02.2023 and the relevant portion is hereby extracted:

> "In the instant case, it is noticed that, it is not known that the genuinity of Sri Kudithipudi Venkataramaiah S/o. Venkataratnam and Sri Doppalapudi Bapaiah S/o. Kotaiah whether the assignees were Political Sufferers or not and there is no original F.Dis files/ any other material evidences to prove that the assignment was granted in favour of the original assignees under Political Sufferer category.
>
> The District Level Committee has verified the Village records and other connected records presented by the Tahsildar, Srikalahasthi and finally arrived that the land under reference submitted before the committee which was listed in the prohibitory Property is clear Govt lands so that the Sy.No. was included in the prohibited properties list U/s 22A of Registration Act, 1908 and recommended to reject the claim of the petitioner.

In view of the facts reported by the Tahsildar, Srikalahasthi and Revenue Divisional Officer Tirupati and in view of the guidelines issued by the Chief Commissioner of Land Administration, A.P., Mangalagiri, the request of the petitioner for deletion of land to an extent of Acs.0.15 cts in Sy.No.385-2 and Acs.1.29 cts in Sy.No.462 from the list of Prohibited Properties U/s 22A of Registration Act, 1908 is hereby REJECTED."

3. The said order was assailed in the writ petition on the following grounds:

(1) No land assigned to any political sufferer shall be placed in prohibitory list under Section 22(A) of the Registration Act, 1908 except in cases or there are questions about genuinity of the assignment itself.

(2) The 2nd respondent herein has completely failed to take into consideration the documents submitted by the petitioner to come to conclusion as to whether the documents of the political sufferer are genuine or fake.

(3) The 2nd respondent herein has given a go bye to the report submitted by the 3rd and 4th respondents and not followed the guidelines as envisaged by CCLA before passing impugned order of rejection.

4. Learned counsel appearing for the petitioner has taken this Court to the proceedings of the Tahsildar dated 26.03.2022. Wherein, the 4th respondent- Tahsildar was found that the land in Survey No.385/2, 462 with an extent of Ac.4.58 cents and Ac.1.29 cents, Inagaluru village, are classified as 'AWD' as per village accounts and the same were

assigned in favour of 1) Sri Doppalapudi Bapaiah S/o. Kotaiah and 2) Sri Kudithipudi Venkataramaiah S/o. Venkatarathnam, under political sufferer's quota vide DKT No.213/4/1398 and 145/4/1399 respectively, and the said land was purchased by the brother of the petitioner herein vide registered sale deed No.1776/1996, dated 04.09.1996 and after demise of the purchaser, the petitioner has got the property on succession and the mutation was affected in the revenue records and allotted 1B Khata No.655. And also the name of the petitioner reflected in 10(1) Account and No.(4) DKT Register and connected DKT files also available at Tahsildar office. There are no disputes and court cases on the subject lands. Therefore, recommended to delete the land from the list of Section 22(A)(1)(a) of Registration Act, 1908.

5. The impugned rejection order from the 2nd respondent-District Collector to delete from the prohibited list is based upon the following grounds: (i) the change of classification from the Adavi Poramboke to A.W. Dry was not available (ii) no original file is available in the matter that the assignment was granted in favour of the original assignees under the political sufferer category (iii) the District Level Committee has verified village records and other connected records and submitted a report before the Committee and the report indicates that the said land included under Section 22A of the Registration Act, 1908 as a government land.

6. The Tahsildar submitted a report dated 26.03.2022 and stated that the land is AWD wasteland and it is assigned to the original assignee. The 2nd respondent-District Collector has not assigned any valid, cogent reasons for not accepting or discarding the report submitted by the Tahsildar through Revenue Divisional Officer. Without assigning reasons on the report submitted by Tahsildar, not accepting the same is bad in law, on this ground alone the order impugned is not sustainable. The Committee report has not been placed on record.

7. The Counter Affidavit filed by the 2nd respondent only reinforced the findings of the impugned order. Therefore, this Court is of the opinion to remand the matter back to the 2nd respondent-District Collector directing to reconsider the case of the petitioner basing upon the report submitted by the Tahsildar vide proceedings dated 26.03.2022 and to pass appropriate orders after giving opportunity to the petitioner herein.

8. With the above direction, the Writ Petition is disposed of. There shall be no order as to costs.

As a sequel, interlocutory applications, if any pending in this Writ Petition shall stand closed.

JUSTICE TARLADA RAJASEKHAR RAO

Date: 26.11.2025

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THE HON'BLE SRI JUSTICE T ARLADA RAJASEKHAR RAO

W.P.No. 8923 OF 2023

Date: 26.11.2025

Harin