

**THE HON'BLE SRI JUSTICE M.SATYANARAYANA MURTHY**

**WRIT PETITION NO.10434 OF 2021**

**ORDER:**

This writ petition is filed under Article 226 of the Constitution of India seeking the following relief:

“To issue Writ of Mandamus declaring the proceedings of the 3<sup>rd</sup> respondent issued in Form No.V signed on 12.05.2021 directing eviction of the petitioners shown at Sl.No.19, 20, 21 and 23 of the schedule to the notice from the plots in Sy.No.106/1 of Papampeta Village, Anantapuramu Rural Mandalm Anantapuramu District as illegal arbitrary and one without jurisdiction”

The brief facts of the case are that, land in Sy.No.106-1 and Sy.No.119-2 of Papampeta Village, Anantapuram Rural Mandal, Anantapuram District is a shotirum land and after enactment of the provisions of Estate Abolition Act, all the shotriums are abolished and the settlement officer was empowered to grant Ryotwari patta under the provisions of the Act. one Gollapalli Seetharamaiah was the shotriumdar and after his demise, his sons G.L. Kantha Rao and G. Lakshmi Narasaiah filed an application under Section 15(1) of the Estate Abolition Act for grant of Ryotwari Patta. The same was granted in their favour in SR No.15(1)/77/ATP dated 23.01.1981 and SR.No.15(1)/77/ATP dated 23.01.1985 in respect of the lands in Sy.No.106-1 admeasuring an extent of Ac.5-00 cents and Sy.No.119-2 admeasuring an extent of Ac.1-05 cents respectively.

The other legal heirs of G. Seetharamaiah namely G. Narasaiah, G. Venkatappa Shastry and G. Subramanyam have executed a Registered General Power of Attorney in favour of

Gollapalli Laxmi Narasaiah authorising to deal with the land in the above two survey numbers. The children of G.L. Kantha Rao and his wife have executed a Registered Power of Attorney in favour of one of his son Gollapalli Ravi Shankar on 26.10.1991.

In terms of the authorisation under the power of attorney, the power of attorney holders have executed Registered Sale Deed dated 17.05.2004 bearing Document No.4600/04 in favour of the mother of first petitioner M. Venkatamma in respect of the plot in Sy.No.106/1. Similarly, registered sale deeds were executed vide Document No.4599/04 dated 17.05.2004 in favour of the second petitioner, Document No.4341/ dated in favour of the third petitioner and Document No.4342/2004 dated 07.05.2004 in favour of B. Padmavathi and from whom the vendor of the fourth petitioner purchased on 24.07.2004 vide Document No.7285/2004 and fourth petitioner purchased on 13.04.2005.

While the matter stood thus, the third respondent issued notice in Form-V in exercise of the powers under Rule 15(1) of the Andhra Pradesh Land Grabbing (Prohibition) Rules, 1988 and in the notice, the name of the first petitioner's father is shown at Serial No.19, who died long back.

On receipt of the notice, the petitioners approached the office of third respondent and on enquiry, they were informed that the grandparents of the fifth respondent namely G.L. Kanta Rao and G. Laxmi Narasaiah have filed O.P.No.120 of 1983 before A.P. Land Grabbing Tribunal under A.P. Land Grabbing (Prohibition) Act against certain individuals stating that they have grabbed the land.

O.P.No.120 of 1983 was allowed on 16.04.1990 and the same was confirmed on 30.11.1992 declaring the persons shown in the order as land grabbers and the impugned notice is issued in execution of the orders passed. Therefore, the petitioners who are the predecessors in title of the fifth respondent and representatives in succession and not land grabbers and requested to issue a direction as claimed in the writ petition.

Respondent No.5/G.L.N. Sravan Kumar filed counter affidavit admitting claim of these petitioners and issue of Form-V Notice dated 12.05.2021.

Heard Sri O. Manohar Reddy, learned counsel for the petitioners. Sri C. Ramachandra Raju on behalf of Sri Panga Shivanarayana for Respondent No.5 clearly submitted that, they are not disputing the claim of the petitioners in this writ petition. Therefore, Form-V Notice dated 12.05.2021 to the extent of claim of these petitioners asking them to vacate the premises is declared as illegal, while upholding the contention of the petitioners shown at Sl.No.19, 20, 21 and 23 of the schedule annexed to the notice from the plots in Sy.No.106/1 of Papampeta Village, Anantapuramu Rural Mandal Anantapuramu District.

Accordingly, writ petition is disposed of, declaring Form-V Notice dated 12.05.2021 to the extent of claim of these petitioners asking them to vacate the premises is declared as illegal and arbitrary, while directing Respondent No.3/Revenue Divisional Officer, Anantapuram, not to evict these petitioners shown at Sl.No.19, 20, 21 and 23 of the schedule annexed to the notice from

the plots in Sy.No.106/1 of Papampeta Village, Anantapuramu  
Rural Mandal Anantapuramu District.

Consequently, miscellaneous petitions pending, if any, shall  
also stand closed.

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**JUSTICE M. SATYANARAYANA MURTHY**

Date: 30.06.2021

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