

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)

TUESDAY, THE TWENTY SIXTH DAY OF APRIL
TWO THOUSAND AND TWENTY TWO

:PRESENT:

THE HONOURABLE SRI JUSTICE D.V.S.S.SOMAYAJULU



WRIT PETITION NO: 11430 OF 2022

Between:

Sivalenka Sasidhara Prasad, S/o late Poorna Tripurantakam @ Babu Rao,
Hindu, aged about 61 years, Cultivation, R/o Thotlavalluru (V&M), Krishna
District

...Petitioner

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary, Revenue Department, A.P. Secretariat, Velagapudi, Guntur District.
2. The Sub- Collector, Vijayawada Krishna District.
3. The Tahsildar, Thotlavalluru, Krishna District.
4. Sivalenka Prasad, S/o late Subrahmanyam Ayyavaru, C/o Ganne Subrahmanyam, #4-99/1, Near Corporation Bank, Thotlavalluru (V&M) Krishna District.
5. S.P.V. Bheemeswara Rao, S/o late S.P. Subrahmanyam Ayyavaru, #10-282/1, Vasanthapuri Colony, Malkajgiri, Hyderabad – 47.

...Respondents

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 pass an appropriate writ, order or direction particularly one in the nature of WRIT OF CERTIORARI calling for the records pertaining to the Proceedings issued by the Sub-Collector, Vijayawada in File No. SCVJ-LAND-ROR (APL)/2/2020-SA(A2)-SCO-VJA dated 07/03/2022 canceling the Pattadar Pass Books issued to the Writ Petitioner vide Khatha No. 1056 and 1057 in R.S.No.347,374/1 and 374/2 in respect of Ac 12.62 cts situated in South Valluru Village, Thotlavalluru Mandal, Krishna District as arbitrary, illegal, without any authority of law or jurisdiction and in the teeth of the Judgment reported in 2015(6) ALD 609 (DB) apart from being violative of the fundamental rights guaranteed to the writ petitioner under Articles 14, 19 and 21 and the constitutional guarantee guaranteed under Article 300-A of Constitution of India and consequently quash the same in the interest of justice and fair play.

IA NO: 1 OF 2022

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to grant stay of all further proceedings in pursuance of the Proceedings issued by the Sub-Collector, Vijayawada in File No. SCVJ-LAND-ROR(APL)/2/2020-SA(A2)-SCO-VJA dated 07/03/2022, pending disposal of WP 11430 of 2022, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri Sivalenka Ramachandra Prasad, Advocate for the Petitioner, GP for Revenue for the Respondent Nos.1 to 3, the Court made the following;

ORDER:

“The issue of law raised by the learned counsel for the petitioner is about the competency of the 2nd respondent to pass the order and also divide the shares amongst the claimants and respondents as can be seen from the impugned order.

Learned counsel for the petitioner also submits that in the course of the order, 3rd respondent also adjusted the shares after conducting virtual partition of the individual extents of land.

It is his contention that the same is beyond the power of the Respondent No.2. He pointed out that it is only the civil Court of competent jurisdiction that can arrive at such findings.

In the opinion of this Court, this is a matter for further investigation. Since the unofficial respondents are not before the Court, learned counsel for the petitioner is permitted to take out personal notice to respondent Nos.4 and 5 by speed post and file proof of service in the Registry.

Learned Government Pleader for Revenue seeks time to get instructions.

There shall however be interim suspension of the proceedings dated 07.03.2022 as prayed for in view of the issues of law mentioned earlier by the petitioner's counsel.

List on 06.05.2022 in motion list."

//TRUE COPY//

Sd/-T.Madhavi
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. The Principal Secretary, Revenue Department, State of Andhra Pradesh, A.P. Secretariat, Velagapudi, Guntur District.
2. The Sub- Collector, Vijayawada Krishna District.
3. The Tahsildar, Thotlavalluru, Krishna District.
4. Sivalenka Prasad, S/o late Subrahmanyam Ayyavaru, C/o Ganne Subrahmanyam, #4-99/1, Near Corporation Bank, Thotlavalluru (V&M) Krishna District.
5. S.P.V. Bheemeswara Rao, S/o late S.P.Subrahmanyam Ayyavaru, #10-282/1, Vasanthapuri Colony, Malkajgiri, Hyderabad – 47.(1 to 5 by RPAD)
6. One CC to Sri. Sivalenka Ramachandra Prasad, Advocate [OPUC]
7. Two CCs to GP for Revenue, High Court of Andhra Pradesh. [OUT]
8. One spare copy.

MSB

HIGH COURT

DVSS,J

DATED:26/04/2022

ORDER

LIST ON 06.05.2022 IN MOTION LIST

WP.No.11430 of 2022

INTERIM SUSPENSION

