APHC010040252025

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3233]**
(Special Original Jurisdiction)

TUESDAY,THE SIXTEENTH DAY OF JUNE
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE B KRISHNA MOHAN

WRIT PETITION NO: 2018/2025

Between:

1. M APPA RAO, S/O. LATE NOOKANNA AGED 80 YEARS, OCC. EX-SERVICEMAN R/O. SINGH HOTEL JUNCTION, VISAKHAPATNAM.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP.BY ITS PRINCIPAL SECRETARY, REVENUE DEPARTMENT, SECRETARIATE AMARAVATI, GUNTUR DISTRICT.
2. THE DISTRICT COLLECTOR, VISAKHAPATNAM DISTRICT.
3. TAHSILDAR, VISAKHAPATNAM RURAL MANDAL, VISAKHAPATNAM.
4. THE DISTRICT REGISTRAR, VISAKHAPATNAM
5. THE JOINT SUBREGISTRAR, MADHURAWADA, VISAKHAPATNAM.

...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 toPleased to issue any writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents No. 2 to 5 in harassing the petitioner Ex-Serviceman without deleting his lands from prohibited properties list despite the orders passed by the 1 St respondent in Memo N0.REVOI- LANA0LAND/46/2019-ASSN-II-1 Dt.13.12.2024 and the orders passed by this Hon'ble Court in WP.No. 4291

of 2020 dt 4.3.2020 in the light of the orders passed by the 1st respondent in Memo N0.REVOI- LANAOLAN D/47/2019-ASSN-II-1 Dt.27.02.2019 is illegal, arbitrary and continuous and also in contravention to the orders passed by this Hon'ble Court in WA.No.1558 of 2012 dt.13.12.2024 and violative of Article 14 of the Constitution of India and to consequently direct the respondents to implement the orders passed by the 1st respondent in Memo N0.REVOI-LANA0LAND/46/2019-ASSN-II-1 Dt.13.12.2024 forthwith and to pass

IA NO: 1 OF 2025

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 respondents to entertain registrations over petitioner's land admeasuring ac.5.00 cents in Sy.No.352/3 of Madhurawada Village, Visakhapatnam rural mandal, Visakhapatnam District pending disposal of the writ petition and to pass

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 May be pleased to grant leave to the petitioner herein/ Respondent No 2 in the Writ Petition No.2018 of 2025 to file counter affidavit in the above Writ Petition and pass

Counsel for the Petitioner:

1. PILLIX LAW FIRM

Counsel for the Respondent(S):

1. GP FOR REGISTRATION AND STAMPS

W.P.No.2018 of 2025

The Court made the following Order:

Heard the learned counsel for the petitioner and the learned Assistant Government Pleader for the respondents.

2. This writ petition is filed questioning the action of the respondent Nos.2 to 5 in harassing the petitioner Ex-Serviceman without deleting his lands from the prohibited properties list despite the orders passed by the 1st respondent in Memo No.REV01-LANA0LAND/46/2019-ASSN-II-1, dated 13.12.2024 and the orders passed by this Hon'ble Court in W.P.No.4291 of 2020 dated 04.03.2020 in the light of the orders passed by the 1st respondent in Memo No.REV01-LANA0LAND/47/2019-ASSN-II-1, dated 27.02.2019 and consequently to direct the respondents to implement the orders passed by the 1st respondent in Memo No.REV01-LANA0LAND/46/2019-ASSN-II-1, dated 13.12.2024 forthwith.

3. (a) The learned counsel for the petitioner submits that the petitioner is a senior citizen and an Ex-Serviceman. He made an application to the then Assignment Special Tahsildar with a request to assign the land in his favour on 15.04.1978. After due enquiry, the authorities assigned an extent of Ac.5-00 cents in Sy.No.352/3 of Madurawada Village, Visakhapatnam District in favour of the petitioner under D-Form patta in D.R.No.436/87 dated 05.06.1979. Ever since the date of assignment, the petitioner has been in

continuous peaceful possession and enjoyment of the property with all absolute rights.

(b) While so in the year 2002, the 3rd respondent cancelled the assignment proceedings unilaterally without issuing any notice alleging that the condition to bring the land into cultivation within three years from the date of assignment was violated by the petitioner vide proceedings Rc.No.99/2001/A dated 20.01.2002. Having learnt about the resumption proceedings in the year 2010 through a reply to the RTA application of the petitioner, he preferred an appeal before the Revenue Divisional Officer, Visakhapatnam challenging the resumption proceedings of the 3rd respondent dated 20.01.2002. The Appellate authority after detailed adjudication, allowed the appeal by setting aside the resumption orders of the Tahsildar vide orders in D.Dis No.7544/2013/C, dated …/11/2016. The appellate authority inter alia observed that the land has been assigned in favour of the petitioner about 20 years back and he has been in possession and enjoyment of the property and the resumption of land after 20 years on the ground that the land was not brought into cultivation within three years is not correct.

(c) By virtue of the orders passed by the said appellate authority, the assignment patta of the petitioner was revived and he has been in continuous peaceful possession and enjoyment of the subject property. There is no dispute with regard to the status of the petitioner as an Ex-Serviceman and allotment of the subject land by way of assignment and continuous possession of the property by the petitioner. When there is no dispute with regard to

assignment of land under Ex-Serviceman category, by virtue of G.O.Ms.No.279 Revenue (Assn.I) department dated 04.07.2016, the land has to be deleted from the prohibited list. Hence, the Revenue Divisional Officer addressed a letter to the District Collector, Visakhapatnam vide Rc.No.12764/2016/A dated 10.11.2016 recommending for consideration of the case of the petitioner in terms of G.O.Ms.No.279 dated 04.07.2016 and further observed that the VUDA is in possession of the property.

(d) The 1st respondent also passed orders in Memo No.LANAOLAND/ 46/Assn.II(1)/2019 dated 27.02.2019 holding that there is no dispute with regard to the assignment made in favour of the petitioner and thus deleted the lands from the prohibited properties list u/s.22A(1) of Registration Act, 1908 and further directed the 2nd and 4th respondent to take action accordingly. Despite the specific orders passed by the 1st respondent deleting the lands from prohibited list, the authorities did not delete the lands prom the prohibited list. Hence, he filed W.P.No.4291 of 2020 before the Hon'ble Court and vide orders dated 04.03.2020, the said writ petition was disposed of holding that the subject land is liable to be removed from the prohibited list and further directed the respondents therein to implement the orders of the Government under Memo No.LANAOLAND/46/Assn.II(1)/2009, dated 27.02.2019.

(e) Inspite of the directions of the 1st respondent and the orders of this Hon'ble Court, the respondents have not deleted the subject land from the prohibited list. The said fact was brought to the notice of the 1st respondent. The 1st respondent passed an order on 13.12.2024 where under it discussed

the entire history of the land and the orders passed by this Hon'ble Court and directed the 2nd and 4th respondents to delete the subject lands from the prohibited list and to update the revenue records in the name of the petitioner by restoring the possession. The said orders have been communicated to the respondent Nos.2 and 3, but no action has been done as on today to implement the orders passed by the 1st respondent.

(f) Earlier, one Smt. K.Ramayamma came forward with a false claim that the subject land was assigned to her husband Sri Koyya Gurumurthy Reddy under the Ex-Serviceman category. Her claim was rejected by the Tahsildar in the year 2007 itself holding that no such assignment was ever made in favour of her husband vide proceedings in Rc.No.848/2007(iii)/A, dated 31.12.2007. The revenue authorities also lodged a report before Bheemunipatnam Police Station against Smt. K.Ramayamma for forging and fabricating D-Form Patta. The police registered FIR No.13 of 2005, the District Collector, Visakhapatnam also passed an order in Rc.No.79/2005/E1 dated 08.12.2014 holding that the D-Form patta produced by Smt. K.Ramayamma is a fabricated document, but she filed W.P.No.20342 of 2012 and W.P.No.34450 of 2015 before the erstwhile common High Court at Hyderabad and the said writ petitions were disposed of by the erstwhile common High Court vide orders dated 20.12.2018 directing the respondents therein to consider the case of the writ petitioner therein in terms of G.O.Ms.No.279 dated 04.07.2016 and the same was subsequently modified vide orders dated 11.02.2019 by the High Court of Telangana.

(g) Under the modified order, the Hon'ble Court set aside the order dated 08.12.2014 passed by the District Collector and directed the respondents to consider the case of Smt. K.Ramayamma and others in terms of G.O.Ms.No.279. The said order dated 11.02.2019 was challenged by the petitioner and also by the Government before this Hon'ble Court in W.A.No.301, 303 and 304 of 2019 and this Hon'ble Court set aside the orders dated 11.02.2019 on the ground of jurisdiction and remanded the writ petitions for fresh adjudication. The said orders were challenged before the Hon'ble Supreme Court. The Apex Court held that against the orders passed by the common High Court at Hyderabad, the High Court of Telangana got jurisdiction and thus set aside the orders passed by this Hon'ble Court and directed the aggrieved parties to file fresh writ appeals before the Hon'ble High Court of Telangana. Accordingly, the petitioner preferred W.A.No.599 of 2023 before the Hon'ble High Court of Telangana. The Hon'ble High Court declined to interfere with the orders of the learned Single Judge, holding that the orders were passed on the consent given by the parties in the writ petition vide orders dated 23.09.2023.

(h) In pursuance of the orders passed by the High Court of Telangana, the 1st respondent took up the matter and passed orders holding that the D-Form patta submitted by Smt. K.Ramayamma is fake, forged and invented for the purpose of grabbing the land and observed that the enquiry of the Joint Collector revealed that signature of the then Tahsildar is not tallying with the signatures of the Tahsildar on the fabricated patta produced by Smt.

K.Ramayamma and therefore directed the 2nd respondent to take necessary action to file criminal case against Smt. K.Ramayamma vide orders in Memo No.REV01-LANAOLAND/46/2019-Assn-II-2, dated 13.12.2024. Thus the respondent Nos.2 and 3 are clearly conscious of the fact that the petitioner's claim over the property is not only genuine and the rights of the petitioner have been confirmed by the 1st respondent and also by this Hon'ble Court. Despite the same, the respondents have been remained silent on implementation of the orders.

(i) The petitioner is an octogenarian suffering with old age ailments and financial problems. For clearing debts during his life time, the sale of the subject land is only way which can relieve him from the financial problems. If the respondents do not allow sale transactions on the subject land by registration, the petitioner would suffer an irreparable loss and hardship.

4. (a) On the other hand, the learned Assistant Government Pleader appearing for the respondents relying upon the counter of the 2nd respondent submits that the petitioner filed a representation on 10.01.2014 before the District Collector with a request to restore the patta which is said to be illegally cancelled by the M.R.O., dated 18.02.2002 (20.01.2002) without following the due process of law and also requested to provide pattadar passbooks and title deeds to his assigned land covered by Sy.No.352/3 in an extent of Ac.5-00 cents of Madhurawada Village of Visakhapatnam (R) Mandal. Further, the petitioner filed W.P.No.23444 of 2014 before the Hon'ble High Court of A.P. with a prayer to declare the action of the respondents in cancelling the D-Form

patta of petitioner vide proceedings Rc.No.99/2001/A, dated 20.01.2002 of Mandal Revenue Officer, Visakhapatnam Rural and consequently direct the respondents to restore the D-Form patta of the petitioner issued on 05.06.1978 by the then Tahsildar, Visakhapatnam. The Hon'ble High Court issued interim orders dated 28.08.2014 in W.P.M.P.No.29365 of 2014 in W.P.No.23444/2014 as follows:

> "Pending further orders, the Collector shall be free to consider the petitioner's aforesaid application dated 10.01.2014 and pass appropriate orders in accordance with law".

(b) Vide Memo No.27014/Assn.II/1/2014-1 dated 13.09.2014 and Memo No.27271/Assn.II/1/2014 dated 17.09.2014, the Deputy Secretary to Government Revenue (Assignment-II) Department, Government of Andhra Pradesh requested to take necessary action on the above interim orders dated 28.08.2014 in W.P.M.P.No.29365 of 2014 in W.P.No.23444/2014 in accordance with law and rules in force and file necessary counter affidavit. In the light of the above orders, instructions from the Government and on representation of the petitioner, the District Collector, Visakhapatnam vide letter Rc.No.79/2005/E1 dated 27.10.2014 addressed the Tahsildar, Visakhapatnam (R) Mandal with a request to take necessary action and report compliance. While the matter stood thus, the Revenue Divisional Officer & Appellate Authority, Visakhapatnam has taken up the appeal against the orders of the Tahsildar and issued orders in D.Dis No.7544/2013/C dated 05.11.2016 as follows:

> "as per the evidence adduced by the appellant herein along with the copies of Adangals for Faslies 1388, 1392, 1403, 1405 & 1410 and also on perusing the counter affidavit of the respondent Tahsildar and the report of the Tahsildar, Visakhapatnam Rural, it is clear that no show cause notice was served on the appellant and the Tahsildar has not produced any proof to that affect and the Tahsildar has not proved that the appellant has violated the condition No.2 i.e. not bringing the land under cultivation within three years from the date of grant of assignment and as such, the orders passed by the then Mandal Revenue Officer, Visakhapatnam (Rural) in Rc.No.99/2001/A dated 20.01.2002 is hereby set aside to the extent of resuming the land to the Government and the Tahsildar, Visakhapatnam (Rural) is directed to restore the land to the petitioner with immediate effect."

(c) On the above, while enclosing the orders issued by the RDO & Appellate Authority in D.Dis.No.7544/2013/C, dated 05.11.2016 and report of the Tahsildar, Visakhapatnam Rural vide Rc.No.12764/2016/A dated 10.11.2016, the Revenue Divisional Officer, Visakhapatnam has requested the District Collector to consider the request of the applicant in terms of G.O.Ms.No.279 and also submitted that before considering the request of the applicant the land may be withdrawn from VUDA. On the above, the petitioner has again filed a Writ Petition No.39497 of 2017 before the Hon'ble High Court with a prayer to direct the 2nd respondent i.e., District Collector, Visakhapatnam to dispose of the proceedings forwarded by the 3rd respondent i.e., Revenue Divisional Officer, Visakhapatnam in Rc.No.12764/2016/A dated 10.11.2016 in accordance with law pertaining to the land of the petitioner in an extent of Ac.5-00 cents in Sy.No.352/3 of Madhurawada Village, Visakhapatnam Rural Mandal assigned to the petitioner under Ex-Serviceman

category vide D.R.No.438/87 in the year 1978 pending disposal of the above writ petition.

(d) The Hon'ble High Court issued interim direction dated 05.12.2017 in W.P.No.39497 of 2017 as follows:

> "since admittedly 3rd respondent (RDO, Visakhapatnam) has passed orders in November, 2016 setting aside the order dated 20.01.2002 of the 4th respondent (Tahsildar, Visakhapatnam Rural) and has even advised the 2nd respondent (Collector, Visakhapatnam) to consider the desirability of consideration of petitioners request to grant NOC for alienating the same, there can be no impediment for the 2nd respondent to issue the NOC and for deleting with from the prohibitory list u/s.22-A of Registration Act, 1908. Therefore, there shall be interim direction as prayed for."

(e) In the meanwhile, the Government vide Memo No.LANAOLAND/46/Assn.II(1)/2019 dated 27.02.2019 has issued directions as follows:

> "On verification of the record, it is evident that the land was restored to possession and enjoyment of the assignee as per orders of the Revenue Divisional Officer and Appellate Authority, Visakhapatnam in D.Dis No.7544/2013/C dated .11.2016. As there is no dispute with the Government with regard to the assignment made in favour of Sri Mummina Appa Rao, S/o late Nookanna, Ex-Serviceman and hereby order to delete the land to an extent of Ac.5.00 cents in Sy.No.352/3 of Madhurawada village, Visakhapatnam Rural Mandal, Visakhapatnam District from the list of Prohibited Properties notified under section 22A(1) of Registration Act, 1908 as per Para 6(ii) of G.O.Ms.No.279, Rev (Assn.I) Dept., dated 04.07.2016" and directed the District Collector and District Registrar to take further action in the matter.

(f) While the matter stood thus, one Smt. Koyya Ramayamma, W/o (L) Gurumurthy has filed another W.P.No.34450 of 2015 consequent upon

rejection of her claim on the same suit scheduled land and the erstwhile Hon'ble High Court at Hyderabad passed a common order dated 20.12.2018 in W.P.No.20342 of 2012 and W.P.No.34450 of 2015 as follows:

- "The respondents to consider the case of the petitioners in terms of the aforesaid G.O.Ms.No.279, dated 04.07.2016 and the subsequent memo dated 06.03.2018".
- Later on, the learned single Judge allowing the writ petition vide Judgment dated 11.02.2019 in common order in W.P.No.20342 of 2012 and 34450 of 2015 amended the relief by "the unnumbered paragraph No.3 of the common order dated 20.12.2018 made in writ petition Nos.20342 of 2012 and 34450 of 2015 is deleted and substituted with the paragraph viz., "setting aside the endorsement in Rc.No.79/2005/E1 dated 08.12.2014 issued by the 2nd respondent in rejecting to issue No Objection Certificate in respect of the land to an extent of Ac.5.00 cents situated in Sy.No.352/3 of Madhurawada Village, Visakhapatnam Rural Mandal and delete the said land from prohibitory list under section 22-A of Registration Act, 1908 and directing the respondents to consider the case of the petitioners in terms of the aforesaid G.O.Ms.No.279 dated 04.07.2016 and the subsequent memo No.16092/Assn.II/1/2013 dated 06.03.2018 as per the orders of the Hon'ble High Court dated 11.02.2019 made in I.A.No.1 of 2019 in W.P.No.20342 of 2012 and W.P.No.34450 of 2015".

(g) On the above orders, the respondents therein filed W.A.No.301/2019 before the Hon'ble High Court of A.P. at Amaravati. Further, the petitioner herein filed two writ appeals i.e., W.A.No.303/2019 and 304/2019 against the common order issued by the erstwhile High Court at Hyderabad before this Hon'ble High Court. Then this Hon'ble High Court disposed of the said appeals on 24.12.2019 with the following directions.

> "In view of the foregoing and since the amended order passed by learned single Judge of Telangana High Court with respect to the

> subject matter relating to Andhra Pradesh is without jurisdiction, therefore, we set aside the common order passed on 20.12.2018 and amended order dated 11.2.2019, with a direction to restore both the writ petitions to file. On restoration, both the writ petitions be heard and decided afresh, in accordance with law, affording due opportunity to all the parties including the appellant-3rd party to file their reply. Let the appellant-3rd party in the above appeals be joined as a party to the proceedings on restoration of the writ petitions."

(h) While the matter stood thus, the petitioner filed writ petition No.4291 of 2020 before this Hon'ble Court to direct the respondents to initiate steps in furtherance of Memo No.LANOLAND/46/Assn.II(1)/2019 dated 27.02.2019 issued by the Government and to consider the representation of the petitioner dated 06.03.2019. In this connection, though the Hon'ble Division Bench in the writ appeals filed by the respondent authorities and the writ petitioner as well has restored the writ petition Nos.20342 of 2012 and 34450 of 2015, issued orders dated 04.03.2020 as below basing on the petitioners affidavit in W.P.No.4291 of 2020.

> "In view of G.O.Ms.No.279 dated 04.07.2016 the land in an extent of Ac.5.00 cents in Sy.No.352/3 of Madhurawada Village, Visakhapatnam Rural Mandal, Visakhapatnam District is liable to be removed from the prohibitory list. Accordingly, the respondents are directed to delete the land from the prohibitory list published under section 22-A of the Registration Act, 1908.
>
> With the above direction, the writ petition is disposed of, while declaring the action of respondents as illegal and arbitrary, while directing the respondents to implement the orders of the Government issued Memo No.LANAOLAND/46/Assn.II(1)/2019 dated 27.02.2019."

(i) At this juncture, there exist two reliefs from this Hon'ble Court viz., orders dated 24.12.2019 in W.A.No.301/2019, W.A.No.303/2019 & W.A.No.304/2019 to restore W.P.No.20342/2012 and W.P.No.34450/2015 and orders dated 04.03.2020 in W.P.no.4291/2020. While the matter stood thus, the Tahsildar, Visakhapatnam (Rural) has filed an appeal before the Joint Collector and the appellate authority against the orders issued by the then Revenue Divisional Officer, Visakhapatnam in D.Dis No.7544/2013/C dated 05.11.2016. Against the same, the petitioner filed this writ petition No.18849/2020 and the Hon'ble High Court issued interim orders dated 15.10.2020 directing the 5th respondent (Joint Collector, Visakhapatnam) not to proceed with hearing of R.P.No.3 of 2020 pending before him.

(j) Aggrieved Smt K.Ramayamma filed SLP No.3096 – 3098 of 2021 before the Hon'ble Supreme Court against the orders issued by this Hon'ble High Court in Writ Appeal. No.301/2019 filed by the Government and Writ Appeal Nos.303 & 304/2019 filed by the petitioner herein Sri M. Apparao where in the Hon'ble Supreme Court of India while issuing interim *status quo* orders on Dt.03.03.2021 in the matter has issued notice and directed to show cause either appearing in person or through counsel as to why the Special Leave and Interim relief as prayed for be not granted. The present Petitioner Sri M. Apparao is also one of the respondents in the above SLP filed by Smt. Koyya Ramayyamma. But the SLP was disposed of in favour of the petitioners holding that that the Division Bench orders of the Hon'ble High Court of Andhra Pradesh cannot be sustained for the following reasons:

(A) Under Section 40(3) of the Andhra Pradesh Reorganisation Act, the High Court at Hyderabad shall have jurisdiction to hear and dispose of appeals, which relate to any proceedings that were dealt with by the same High Court before the date of formation of the separate High Court. Therefore, the learned Single Judge of the High Court of Telangana was not at fault in exercising the jurisdiction, on the date on which he passed the modification order. Whether the learned Judge was right on merits or not, is not the question that falls for our consideration. We are only dealing with the exercise of jurisdiction.

(B) The second reason as to why the impugned order deserves to be set aside is that even assuming without admitting that the learned Single Judge of the High Court of Telangana lost jurisdiction after the formation of the new High Court, the order passed by him without jurisdiction cannot be set aside by the Division Bench of another High Court. For these reasons, the impugned order of the High Court deserves to be set aside only on the limited question of jurisdiction.

The Hon'ble Apex Court has also granted liberty to the state of AP to move fresh writ appeals before the Division Bench of High Court of State of Telangana which shall be entertained and be taken up for consideration on their own merits without reference to the period of limitation if filed within 30 days from date of Apex Court order.

(k) In the light of the relief granted by the SLP, the Writ appeal was preferred by the State of AP in W.A.No.809/2023 and WA.No.810/2023 before the Hon'ble High Court of Telangana against the common orders Dt.20.12.2018 and 11.2.2019 in WP.No.20342/2012 and 34450/2015 passed by the learned Single Judge, High Court of Telangana. Unfortunately the writ appeals were dismissed on 23.09.2023 without entering into the merits of the case but observing only the technical point that the orders Dt.20.12.2018 and 11.02.2019 in WP.No.20342/2012 and WP.No.34450/2015 are issued basing on the consent of the counsels and that there is no element of adjudication.

(l) The writ petitioner has also filed W.A.No.599/2023 before the Hon'ble High Court of Telangana which was dismissed on 23.09.2023 with same order as in W.A.No.809/2023 and W.A.No.810/2023 filed by the State. Aggrieved by the above dismissal of the Writ Appeal, the State preferred a review against the orders Dt.20.12.2018 and 11.2.2019 in WP.No.20342/2012 and WP.No.34450/2015 and orders in W.A.No.809/2023 and W.A.No.810/2023. In the meanwhile, Smt. Koyya Ramayamma filed C.C.No.187/2024 in WP.No.20342/2012 and WP.No.34450/2015 before the Hon'ble High Court of Telangana against the District Collector with a prayer to punish the respondent for non compliance of the orders Dt.11.02.2019 in WP.No.20342/2012 and WP.No.34450/2015.

(m) These Review petitions filed by the respondent authorities before the Hon'ble High Court of Telangana were disposed of recently on 20.01.2025 in the same lines as made in IA.No.01/2023 in WP.No.17332 and 17333/2017 arising out of similar issue but different land, according to which it was directed that the authority considering the representation of the petitioner (Koyya Ramayamma) in terms of G.O.Ms.No.279 and in compliance of the orders under review shall duly take into consideration the material forming part of the rejection orders in Rc.No.79/2005/E1/Dt.08.12.2014 and further the departments/ organizations to whom subject land was allotted by the Government and claimed to be in their possession shall be put on notice during such enquiry conducted pursuant to the orders Dt.20.12.2018 and 11.02.2019 in WP.No.20342/2012 & 34450/2015. The above orders of the

Hon'ble High Court negates the instructions issued by the respondent No.1 vide Memo's Dt. 27.02.2019 & 13.12.2024.

(n) Thus there exist multiple orders for denotification of the same subject land in favour of the petitioner and parallel claimant at the same time in two different High Courts. Therefore adjudication of these cases one to one is essential otherwise this will trigger untoward legal complications. Therefore the Government was addressed in Rc.No.79/2005/E1 dated 27.02.2025 to review the memos dated 27.12.2019 and 13.12.2024.

5. In the light of the above said facts and circumstances, upon consideration of the rival submissions made and upon perusal of the material available on record, it is clear that the petitioner is belonging to the Ex-Servicemen category and he was assigned the subject land to an extent of Ac.5.00 cents in Sy.No.352/3 of Madhurawada Village, Visakhapatnam District vide D.R.No.436/87 dated 05.06.1979. Despite the said assignment was subsequently unilaterally cancelled by the 3rd respondent after long lapse of time vide Rc.No.99/2001/A dated 20.01.2002 and the resumption orders were later set aside in an appeal by the RDO vide D.Dis.No.7544/2013/C dated 05.11.2016 on merits. The RDO observed that the Tahsildar failed to produce any proof demonstrating that a show cause notice has been served upon the petitioner prior to resumption of the subject land. He further observed that the Tahsildar did not establish that the petitioner had violated the condition No.2 namely, the requirement to bring the assigned land under cultivation within three years from the date of assignment. Therefore, in view of the above said

orders dated 05.11.2016, the subject land has been restored to the petitioner. Although a parallel claim over the subject property has been raised by one Smt. K.Ramayamma through W.P.No.20342/2012 and W.P.No.34450/2015, the said writ petitions were disposed of by a common order dated 11.02.2019 as under:

> "In view of the same, both the writ petitions are disposed of setting aside the Endorsement in Rc. No.79/2005/E 1 dated 8-12-2014 issued by the 2nd respondent in rejecting to issue No Objection Certificate in respect of the land to an extent of Ac. 5-00 cents situated in Survey No 352/3 of Madhurawada Village, Visakhapatnam Mandal and District and delete the said land from prohibitory list under Section 22-A of Registration Act, 1908 and directing the respondents to consider the case of the petitioners in terms of the aforesaid G.O.Ms. No.279, dated 04.07.2016 and the subsequent Memo No. 16092/Assn-II/1/2013, dated 06.03.2018. No order as to costs."

6. In view of the above said orders, the respondents ought to have considered and rejected the claim of Smt. K.Ramayamma in terms of G.O.Ms.No.279 instead they treated it as a parallel claim to defeat the relief to be granted in favour of the petitioner. G.O.Ms.No.279, Para No.6 reads as under:

> Accordingly, Government after careful examination of the matter, issue the following orders in supersession of the orders Issued in G.O. Ms.No. 307, Revenue. (Assn. 1) Department, dt. 06.06.2013:-
>
> (1) The procedure of issuing 'NOC" shall be dispensed with. There shall be no need for obtaining 'NOC" In all cases of assignment of Servicemen and Freedom Fighters in which a period of 10 years has expired and there is no dispute on the land with the Government,

(ii) All such cases without dispute shall be deleted from the prohibitory list under Section 22-A of Registration Act, 1908 and furnished to the Registration Department.

(iii) In respect of cases in which there is a dispute with Government about the genuineness of the assignment or otherwise a list of such cases shall be prepared by District Collector and furnished to Registration Department by following the procedure U/s 22-A. The Sub-Registrar shall enter the details of such disputed lands in the online records deleting all other records in which there is no dispute.

7. The 1st respondent vide Memo dated 13.12.2024 categorically denied the claim of the said K.Ramayamma. The said Memo reiterates that no assignment was ever granted by the revenue authorities to her husband as alleged by her. Thus in an enquiry conducted by the 3rd respondent vide Rc.No.848/2007 dated 31.12.2007, it was found that the D-Patta relied upon by Smt. K.Ramayamma is fake and fabricated and consequently her claim was rightly rejected vide Rc.No.79/2005/E1, dated 08.12.2014. The writ petition No.39497/2017 was filed by the petitioner herein seeking a direction to the respondents to issue a No Objection Certificate and to delete the subject land from the prohibitory list u/s.22-A of the Registration Act, 1908, thereby enabling the petitioner to alienate the said land, and not for disposal of the proceedings forwarded by the RDO in Rc.No.12764/2016 dated 10.11.2016. Pursuant to the interim order dated 05.12.2017, the Government vide Memo No.LANAOLAND/46/Assn.II(1)/2019, observed that there is no dispute on the part of the government with regard to the assignment made in favour of the petitioner and accordingly directed deletion of the subject land from the list of

prohibited properties, further instructing the respondent Nos.2 and 4 to take necessary action in the matter. However, the same is pending for compliance.

8. The 2nd respondent now cannot take contradictory stand in view of the subsequent developments through the government memos dated 13.12.2024 and 27.02.2019 wherein, specific directions were given to the 2nd respondent. The then Tahsildar in the counter filed in the above said appeal before the RDO, had categorically confirmed the assignment of the subject land in favour of the petitioner. In view of the same, the legitimate claim of the petitioner cannot be defeated on any grounds or count. The petitioner also filed W.P.No.4291/2020 seeking a direction to the respondents to take steps in furtherance of the Memo dated 27.02.2019 issued by the government, which was disposed of by an order dated 04.03.2020 as under:

> "Hence, in view of G.O.Ms.No.279 dated 04-07-2016 the land in an extent of Ac.5.00 cents in Sy.No. 352/3 of Madhurawada Village, Visakhapatnam Rural Mandal, Visakhapatnam District is liable to be removed from the prohibitory list. Accordingly, the respondents are directed to delete the land from the prohibitory list published under Section 22-A of the Registration Act, 1908. With the above direction, the writ petition is disposed of, while declaring the action of respondents as illegal and arbitrary, while directing the respondents to implement the orders of Government issued under Memo No. LANAOLAND/46/Assn.ll (1)/2009, dt. 27-02-2019. There shall be no order as to costs."

9. Unfortunately, despite such above specific directions, the subject land continues to remain in the prohibitory list under section 22-A of the Registration Act, 1908 and the proceedings dated 27.02.2019 are still pending for compliance. At this juncture, after lapse of four years from the date of

passing of the orders by the RDO in appeal vide D.Dis.No.7544/2013/C dated 05.11.2016, the respondent has filed appeal against the said orders vide R.P.No.3 of 2020 before the Joint Collector, which is pending in view of the interim orders passed by this Court in W.P.No.18849 of 2020. The orders passed in W.P.No.4291 of 2020 contain clear and unequivocal directions to the respondents to delete the subject property from the prohibitory list under section 22-A of the Registration Act, 1908. Instead of complying with the said directions, the respondents contended that the said orders are in conflict with the orders passed by the Hon'ble High Court of Telangana in the review petitions arising out of W.P.Nos.20342 of 2012 and 34450 of 2015. In fact, the review petitions were disposed of with a direction to consider the claim of Smt. K.Ramayamma in terms of G.O.Ms.No.279.

10. Upon such consideration, her claim necessarily ought to have been rejected in accordance with the said G.O., particularly in the light of the established finding that the patta relied upon by her is fake and fabricated. Thus, when there is no existence of conflict of claims, the 2nd respondent ought to have implemented the binding directions of this Court. It is to be seen that the claim of Smt. K.Ramayamma was duly enquired into by the competent authorities, who conclusively found that she was relying upon a fake and fabricated patta and consequential criminal action was also initiated against her. Further, a litigation initiated by Smt. K.Ramayamma before the Hon'ble High Court of Telangana has been duly taken note of and expressly reflected by the 1st respondent in its Memo dated 13.12.2024. In view of the

oders passed by the RDO in appeal dated 05.11.2016, the resumption orders have been set aside, which clearly entitles the petitioner to have his possession and ownership over the subject property. In the light of the same, even if there is a subsequent act of handing over of the property to VUDA vide receipt dated 24.01.2005, it becomes void and without having any legal effect. The petitioner is deemed to be in possession of the subject land with valid title.

11. The 1st respondent vide its Memos dated 13.12.2024 and 27.02.2019 has clearly issued directions to the respondent Nos.2 and 4 to delete the subject land from the prohibitory list under section 22-A of the Registration Act, 1908 and update the revenue records in the name of the petitioner as well as to restore possession of the land to the petitioner so as to avoid further complications. The Revenue Divisional officer through proceedings dated 10.11.2016 also requested the 2nd respondent to consider the petitioner's request in terms of G.O.Ms.No.279 and also to take necessary steps to withdraw the subject land from VUDA. The 2nd respondent cannot deliberately ignore the orders passed by the RDO dated 05.11.2016, the government Memos dated 13.12.2024 & 27.02.2019 and the orders of this Court in W.P.No.4291 of 2020 despite the fact that the petitioner's patta is established. The said Memos issued by the 1st respondent are binding on the other respondents as no de-notification order has been issued by any authority or Court in favour of Smt. K.Ramayamma. But when the de-notification orders have been consistently issued in favour of the petitioner by the government,

through its Memos, and this Court in the year 2020, directed to delete the subject property from the prohibitory list under section 22-A of the Registration Act, 1908 in favour of the petitioner, the respondent authorities concerned ought to have acted fairly in restoring the relief of the petitioner. The respondents ought to have seen that the petitioner is an Ex-Serviceman belonging to an octogenarian group and continues to receive the benefits till date, which itself sufficiently establishes his identity, existence and entitlement. It is a classic case of adopting arm twisting method by the respondent authorities concerned to deny and delay the relief sought by the petitioner by protracting the litigation on one count or the other and unless quietus is shown to this lis, justice will not be met and the individual would suffer an irreparable loss and hardship.

12. The 2nd respondent also ought to have seen the clarification issued by the CCLA vide its circular CCLA Lr.No.Ass.I(1)/350/2002 dated 04.05.2022, wherein it clearly states that any Ex-Servicemen who has been assigned with land is at liberty to sell the same after 10 years provided the District Collector only has to look whether the assignment is genuine or not and if the assignee is truly an Ex-servicemen. In the present case, neither the respondent No.3 nor the RDO have disputed the genuineness of the patta issued to the petitioner. Hence, the 2nd respondent cannot act contrary to the record to deny the benefit for the petitioner. For the foregoing reasons, the writ petition is allowed.

13. Accordingly, this Writ Petition is allowed. The respondent Nos.2 and 4 are directed to implement the orders passed by the 1st respondent vide Memos dated 13.12.2024 and 27.02.2019 by deleting the subject land from the prohibitory list under section 22-A of the Registration Act, 1908 and grant all consequential reliefs within a period of two (02) months from the date of receipt of this order.

There shall be no order as to costs. Interim order if any deemed to have been vacated

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

JUSTICE B. KRISHNA MOHAN

Date :16.06.2026

PND