

HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

WRIT PETITION No.12287 OF 2026

Between:

N.S.Kirana Kumari,
D/o.Late Jade Suseelamma,
Aged 54 Years, H.K. Road, Shiralakoppa Rural
VTC and PO, Shikaripur Sub-District,
Shimoga District, Karnataka State-577428. Petitioner

Versus

The State of Andhra Pradesh,
Rep. by its Principal Secretary,
Revenue Department, Secretariat Buildings,
Velagapudi, Amaravati, Guntur District,
A.P. and 4 others. Respondents

DATE OF ORDER PRONOUNCED : 19.06.2026

SUBMITTED FOR APPROVAL:

HON'BLE SMT. JUSTICE SUMATHI JAGADAM

1. Whether Reporters of Local Newspapers
may be allowed to see the order? Yes/No
2. Whether the copy of order may be
marked to Law Reporters/Journals? Yes/No
2. Whether Her Lordship wishes to see
The fair copy of the Order? Yes/No

JUSTICE SUMATHI JAGADAM

*** HON'BLE SMT. JUSTICE SUMATHI JAGADAM**

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! Counsel for the Petitioner : Sri K.A. Narasimham

^ Counsel for the Respondents : G.P. for Revenue

> Head Note:

? Cases referred:

1. AIR (2017) SC 2419
2. (1998) 11 OHC CK 0010.
3. AIR 1998 (SC) 2050.
4. AIR 1989 (SC) 2215.
5. 2012 AHC 70139

This Court made the following:

Date of reserved for orders : 08.05.2026
Date of pronouncement : 19.06.2026
Date of uploading : 24.06.2026

APHC010231292026



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI [3459]
(Special Original Jurisdiction)**

FRIDAY, THE NINETEENTH DAY OF JUNE
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SMT JUSTICE SUMATHI JAGADAM

WRIT PETITION No.12287 OF 2026

Between:

1.N.S KIRANA KUMARI, D/O LATE JADE SUSEELAMMA,
AGED 54 YEARS, H.K. ROAD, SHIRALAKOPPA RURAL VTC
AND PO, SHIKARIPUR SUB-DISTRICT, SHIMOGA
DISTRICT, KARNATAKA STATE-577428.

...PETITIONER

AND

- 1.THE STATE OF ANDHRA PRADESH, REP. BY ITS
PRINCIPAL SECRETARY, REVENUE DEPARTMENT,
SECRETARIAT BUILDINGS, VELAGAPUDI, AMARAVATI,
GUNTUR DISTRICT, ANDHRA PRADESH - 522239.
- 2.THE CHIEF COMMISSIONER OF LAND ADMINISTRATION
(CCLA), APIIC BUILDINGS, MANGALAGIRI, GUNTUR
DISTRICT-522503.
- 3.THE COMMISSIONER AND DIRECTOR OF SETTLEMENTS,
APIIC BUILDINGS, MANGALAGIRI, GUNTUR DISTRICT-
522503.
- 4.THE JOINT COLLECTOR-CUM-SETTLEMENT OFFICER,
TIRUPATHI DISTRICT, TIRUPATHI-517520.

5.THE TAHSILDAR, RENIGUNTA MANDAL, TIRUPATHI
DISTRICT- 517520.

...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 order or direction more in the nature of Writ of *Certiorari* and call for records and declare in rejecting the claim of the petitioner by the 3rd respondent as illegal, arbitrary and contrary to the provisions of the Andhra Pradesh (Andhra Area) Estates (Abolition and Conversion into Ryotwari) Act, 1948 apart from Articles 14, 21 and 300A of the constitution of India and consequently set aside the order dated 26-03-2026 passed by the 3rd respondent in the interest of justice.

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 to direct the respondents not to dispossess the petitioner from the schedule properties.

IA NO.2 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 to suspend the impugned order passed by the 3rd respondent dated 26.03.2026.

Counsel for the Petitioner:

1.K A NARASIMHAM

Counsel for the Respondent(S):

1.GP FOR REVENUE

The Court made the following

ORDER:

In the present Writ Petition, this Court is called upon to decide the following interrelated questions of law:

1) Whether a court, tribunal, or authority could legally proceed to dispose of the main proceedings without first deciding an application to bring the legal representatives of a deceased party on record; and, if not, whether the adjudication rendered against a party, who was dead at the time (without impleading his legal representatives), renders the entire proceedings and the resultant order void and a nullity in the eye of law?

2) Whether, after such an order having been passed against a deceased person, the very same authority could thereafter assume the role of an appellate authority and sit in appeal over its own decision, in violation of the fundamental principle of natural justice embodied in the maxim 'Nemo Debet Esse Judex in Propria Causa'?

2) Since both the parties have addressed elaborate submissions and consented for final disposal of the Writ Petition, and considering that the questions arising for consideration are pure questions of law not necessitating the filing of counters, particularly as this Court is not inclined to examine the merits of the case, this Court deems it

appropriate to dispose of the Writ Petition finally at the stage of admission itself.

3) Before dealing with the questions that arise for consideration, this Court deems it appropriate to briefly refer to the relevant factual background.

4) The present Writ Petition has been instituted *inter alia* contending that the Appeal preferred by the petitioners in R.P.No.15/2016/E is presently pending before the Chief Commissioner of Land Administration, the 2nd respondent herein. It is the specific case of the petitioner that the said authority has been deputed on election duty in the State of Tamil Nadu and is consequently unavailable to take up the Appeal for consideration. The petitioner apprehends that, during the interregnum, if the Joint Collector-cum-Settlement Officer, Tirupati, the 4th respondent herein, proceeds to implement the order dated 26.03.2026 passed by the Commissioner and Director of Settlements, APIIC, Mangalagiri, Vijayawada, the 3rd respondent herein, the petitioner would be put to serious prejudice and irreparable loss. It is under the aforesaid circumstances that the present Writ Petition came to be filed seeking appropriate reliefs on the grounds urged herein.

5) The contesting respondents in the present Writ Petition are Respondent Nos. 2, 3, and 4, namely, the Chief Commissioner of Land Administration, the Commissioner and Director of Settlements, and the Joint Collector-cum-Settlement Officer.

6) The case of the petitioner, in brief, is as follows:

- i)** The petitioner claims to be the legal heir of the original 1st petitioner in R.P.No.15/2016/E, pending on the file of 3rd respondent.
- ii)** The impugned proceedings dated 26.03.2026 were passed by the 3rd respondent in his capacity as Commissioner and Director of Settlements.
- iii)** It is stated that the very same officer was subsequently appointed as Full Additional Charge (FAC) of the post of Commissioner of Appeals under the Office of the Chief Commissioner of Land Administration, Andhra Pradesh, *vide* G.O.Rt.No.1628 (GA), dated 03.09.2025.
- iv)** The aforesaid Revision Petition was originally instituted by six (6) petitioners, out of whom petitioner Nos.1 to 5 died during the pendency of the proceedings. Applications seeking to bring their legal representatives on record, along with supporting documents, were filed before the 3rd respondent on 04.03.2026.
- v)** The grievance of the petitioner is that the 3rd respondent proceeded to pass the impugned order without adjudicating the said applications and without bringing the legal representatives on record.
- vi)** It is further contended that the impugned order, having been passed against deceased persons, without affording an opportunity of hearing to their legal representatives, is void, *non est*, and a nullity in the eye of law.

vii) It is also brought to the notice of this Court that the learned counsel, Sri P. Ganga Rami Reddy, who earlier represented some of the respondents therein, passed away on 29.12.2025, pursuant to which fresh vakalat was filed by Ms. C. Jhansi Rani and Sri R.R.G. Krishna Rao, learned counsel for the respondents, along with a Memo dated 13.03.2026 and applications seeking time to study the record and address arguments.

viii) According to the petitioner, despite the said developments, the matters were reserved, and common order was passed without deciding the applications relating to the substitution of legal representatives and the change of counsel, thereby depriving the parties of a reasonable opportunity of hearing and violating the principles of natural justice.

7) *Per contra*, the learned Government Pleader for Revenue would contend as follows:

i) The 3rd respondent was entrusted with Full Additional Charge (FAC) of the post of Chief Commissioner of Land Administration only on account of administrative exigencies and no prejudice would be caused to the petitioner by the said arrangement.

ii) It is further contended that the petitioner has already availed the statutory remedy of appeal before the 2nd respondent and, therefore, the present Writ Petition is not maintainable.

iii) It is also contended that the petitioner failed to implead the affected parties in the present Writ Petition and on that ground as well, the Writ Petition is liable to be dismissed.

8) In reply thereto, the learned counsel for the petitioner submits that a Memo dated 07.05.2026 has already been filed before the 2nd respondent seeking withdrawal of the Appeal with liberty to pursue the remedies in the present Writ Petition.

9) COURT ANALYSIS:

POINT NO 1:-

i) The facts, to a large extent, are not in dispute. Upon perusal of the material papers placed before this Court, it is evident that the applications seeking to bring the legal representatives on record were filed on 04.03.2026 and the said applications were admittedly pending consideration before the authority.

ii) It is also not in dispute that the learned counsel for some of the respondents then on record passed away on 29.12.2025 during the pendency of the proceedings. Thereafter, the newly engaged counsel filed a Memo dated 13.03.2026 seeking time to peruse the record and advance arguments on their behalf.

iii) However, without issuing any notice to the respondents, without adjudicating the pending Legal Representative applications, and without bringing the legal representatives on record, the matters were reserved for orders on 19.03.2026 and ultimately the

impugned order dated 26.03.2026 came to be passed against deceased persons.

iv) This Court is of the considered opinion that unless the applications filed for bringing the legal representatives on record are first adjudicated; the authority could not have proceeded to decide the main proceedings. The very continuation of the proceedings against deceased persons, without substitution of their legal representatives, is contrary to the settled procedure known to law. The reasons are mentioned below:

v) At this juncture, it is relevant to refer to Section 67 of the Andhra Pradesh (Andhra Area) Estates (Abolition and Conversion into Ryotwari) Act, 1948 (for short, 'the Act'), which empowers the Government to frame Rules for carrying out the purposes of the Act. Under Section 67(2)(e) of the Act, the Government is specifically empowered to apply the provisions of the Code of Civil Procedure, 1908 (for short, 'the Code') and the Limitation Act, 1963 to applications, appeals and proceedings under the Act.

vi) In exercise of the said powers, the Government framed Rules under Section 67, wherein Rule 7 is as follows. [**Subs. by G.O.Ms.No. 3118, Rev dt. 05-12-1950**]

“Rule 7(1):-Rules made under Section 67 regarding the powers of the tribunal constituted under Section 8 (1)

In exercise of the powers conferred by Section 67 of the A.P. (A.A.) Estates (Abolition and Conversion into

Ryotwari) Act, 1948 (Act XXVI of 1948), His Excellency the Governor hereby makes the following rules:-

1. [Every Tribunal constituted under Section 8 (1) and every Special Tribunal constituted under Section 51 (1) of the Act shall have all the powers exercisable by a Civil Court in the trial of suits and in appeals.]”

vii) Therefore, once the provisions of the Code of Civil Procedure are made applicable to the proceedings initiated under the Act, the procedure contemplated under Order XXII of the Code necessarily governs such proceedings.

viii) Order XXII of the Code deals with the procedure to be followed in the event of death, marriage and insolvency of parties. The provisions relating to substitution of legal representatives are mandatory in nature. As a general rule, any adjudication rendered against a dead person, without bringing the legal representatives on record, is treated as *void* and *non est* in the eye of law.

ix) In this context, it is apposite to refer to ***Gurnam Singh (Dead) through LRs. and others v. Gurbachan Kaur (Dead) through LRs***¹, wherein the Hon'ble Supreme Court held that a decision rendered for or against persons who had died during the pendency of the proceedings, without bringing their legal representatives on record, is a nullity in the eye of law. The Hon'ble Supreme Court further held therein that once no steps are taken for substitution

¹ AIR (2017) SC 2419

within the prescribed time, the proceedings abate automatically and the Court ceases to have jurisdiction to decide the matter.

x) The rationale behind the said principle is that a dead person cannot be subjected to adjudication and any proceedings conducted without impleading the legal representatives, wherever necessary, offend the principles of natural justice and due process.

xi) In the present case, the action of the 3rd respondent in proceeding to reserve the matters for orders and thereafter passing the impugned order against deceased persons, despite the Legal Representative applications being pending, and despite the newly engaged counsel seeking opportunity to address arguments, clearly demonstrates gross non-application of mind and renders the impugned proceedings legally unsustainable.

xii) In view of the foregoing discussion and the conclusions arrived at by this Court, this Court has no hesitation in answering the question framed for consideration in the affirmative.

10) POINT NO 2:-

i) Learned counsel for the petitioner submits that a Memo dated 07.05.2026 has already been filed before the 2nd respondent seeking withdrawal of the Appeal with liberty to pursue the remedies in the present Writ Petition.

ii) In view of the above, it is not necessary to answer the framed question. However, as the question raised has got general importance and may arise in similar matters in the future, this Court

feels that it should be answered. Accordingly, the question is being dealt with in this Writ Petition.

iii) The issue for consideration is no more *res integra*. It is settled law that the said Officer who passed the initial order in his capacity as the 3rd respondent cannot hear the matter in his capacity as the 2nd respondent appellate authority. This finding is reinforced and this Court stands fortified by the following judgments.

iv) This Court places reliance on the principle reiterated by the Orissa High Court in ***Khira Swain v. State of Orissa and Others***², wherein the Orissa High Court relying on the judgments of the Hon'ble Supreme Court in ***State of West Bengal and others v. Shivananda Pathak and others***³ and ***Baidyanath Mohapatra v. State of Orissa***⁴ held that "the principle of natural justice prohibiting bias applies with full force where the same authority functions as both the original adjudicator and the appellate authority".

The Orissa High Court quashed an appellate order passed by the Sub-Collector because he had previously rejected the mutation application as the Mutation Officer-cum-Tahasildar.

The Orissa High Court further held that "justice can never be seen to be done if a man acts as a judge in his own cause or sits as an appellate authority to hear an appeal against his own order, terming such conduct as judicial obstinacy."

² O.J.C. No.15209 of 1998, Dt.16.11.1998 : (1998) 11 OHC CK 0010

³ AIR (1998) SC 2050

⁴ AIR 1989 (SC) 2215

v) Consequently, the same principle squarely applies to the present case. The authority which passed the original order against a deceased person cannot subsequently assume the role of an appellate authority to review its own decision.

vi) Furthermore, in ***Mohd. Chand and Another v. State of U.P. and Others***⁵, the Allahabad High Court, taking a cue from the judgments of Hon'ble Supreme Court, held as follows.

“Allowing the same officer to hear an appeal against his own order renders the appellate remedy illusory and violates fundamental principles of justice.”

The Allahabad High Court quashed an appellate order passed by the Commissioner where the same individual had passed the original order as the Collector.

The Court further observed that *‘an appeal is conceptually different from a review, an appeal requires a superior authority to test the correctness of a lower authority's decision, whereas a review is a reconsideration by the same judge hearing an appeal against one's own order reduces the appellate jurisdiction to that of a review, frustrating the very purpose of filing an appeal’*.

“The Court further cited the dictum of Lord Hewart, C.J. that “Justice should not only be done but should manifestly and undoubtedly be seen to be done. Therefore, the same authority

⁵ Writ C.No.24629/2012 Dt.22.05.2012 : 2012 AHC 70139

cannot legally test the correctness of its own decision while exercising appellate powers.”

11) In the present case, the impugned order passed against the deceased persons does not alter the application of the rule against bias; in fact, it heightens the need for a fair and independent appellate forum. Both the judgments in **Khira Swain** (2nd *supra*) and **Mohd. Chand** (5th *supra*), establish that the prohibition against being a Judge in one's own cause is absolute and does not depend upon the presence of *mala fide* intention.

12) As observed in **Mohd. Chand** (5th *supra*), even the absence of malicious intent cannot cure the inherent lack of impartiality when an authority reviews its own decision. The appellate authority is duty-bound to recuse itself or refer the matter to a higher authority. In **Khira Swain** (2nd *supra*), the Sub-Collector was directed to transmit the records to the Additional District Magistrate for disposal by another competent authority.

13) In the present case, this Court has factually verified the copy of G.O.Rt.No.1628, dated 03.09.2025, which reveals that the very same Officer has been appointed as the Commissioner of Appeals in the office of the Chief Commissioner of Land Administration (CCLA) on Full Additional Charge basis. It is an undisputed fact that the said Officer passed the impugned order dated 26.03.2026 in R.P.No.15/2016/E and R.P.No.3/2020/E in his capacity as the 3rd respondent.

14) In light of the foregoing discussion, this Court answers the second question in the negative and holds that the very same authority cannot assume the role of an appellate authority and sit in appeal over its own decision. Such an exercise would be in flagrant violation of the fundamental principle of natural justice embodied in the maxim "*Nemo Debet Esse Judex in Propria Causa*", and the order would be liable to be quashed as being void *ab initio*.

15) Accordingly, the impugned common order, dated 26.03.2026, passed in R.P.No.15/2016/E and R.P.No.3/2020/E by the 3rd respondent cannot be sustained in law and is accordingly quashed. The matter is remitted to the 3rd respondent for fresh disposal, in accordance with law, strictly adhering to the principles of natural justice. Further, the 3rd respondent, shall hear and decide the matter, un-influenced by any of the observations made hereinabove, within a period of six (6) months from the date of receipt of a copy of this order.

16) In the result, the Writ Petition is allowed. No order as to costs.

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

JUSTICE SUMATHI JAGADAM

Date:19.06.2026
DSH

Whether the order is:

Speaking		Reasoned	√
Reportable	√	Non-Reportable	