

APHC010287242026



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

[3562]

THURSDAY, THE EIGHTEENTH DAY OF JUNE
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI

THE HONOURABLE SRI JUSTICE SUBHENDU SAMANTA

WRIT APPEAL NO: 684/2026

Writ Appeal under clause 15 of the Letters Patent to set aside the order dated 08.05.2026 passed in W.P.No.14219 of 2026 insofar as it directs maintenance of status quo with respect to mutation of names concerning the subject land and pass

Between:

1.V. CHANDRASEKHAR NAIDU,, S/O LATE V. RAMACHANDRA NAIDU, AGED ABOUT 70 YEARS, OCC. BUSINESS, R/O D.NO.2-82, KOTHACHERLOPALLI, PUDIPATIA POST, TIRUPATI RURAL MANDAL TIRUPATI DISTRICT, ANDHRA PRADESH.

...APPELLANT

AND

1. E MUNEENDRA, S/O. LATE NADHAMUNI, AGED ABOUT 51 YEARS, OCC. LINEMAN, R/O. D.NO.4-14, MADIGAWADA, KUNTRAPAKAM CHITTOOR DISTRICT-517561.
2. B NAGAMMA, W/O. SIDHAIAH, AGED ABOUT 66 YEARS, OCC. HOUSEWIFE, R/O. ARUNDHATHI PURAM VILLAGE, PERUMALLAPALLE MANDAL, TIRUPATI RURAL MANDAL, TIRUPATI DISTRICT-517501.
3. E NAGAMMA, W/O. VENKATA MUNI, AGED ABOUT 53 YEARS, OCC. HOUSEWIFE R/O. MADIGAWADA, KUNTRAPAKAM, CHITTOOR DISTRICT-517561.

4. J CHANGLA RAYUDU, S/O. NADIPAIAH, AGED ABOUT 62 YEARS, OCC. COOLIE, R/O. ARUNDHATHI PURAM VILLAGE, PERUMALLAPALLE MANDAL, TIRUPATI RURAL MANDAL TIRUPATI DISTRICT-517501.
5. J NALLAIAH, S/O. SUBBAIAH, AGED ABOUT 58 YEARS, OCC. SWEEPER NMR DAILY WAGE LABOUR WORKING AT SV UNIVERSITY, R/O. ARUNDHATHI PURAM VILLAGE, PERUMALLAPALLE MANDAL, TIRUPATI RURAL MANDAL, TIRUPATI DISTRICT-517501.
6. J NAGAIAH, S/O. SUBBAIAH, AGED ABOUT 54 YEARS, OCC. SWEEPER NMR DAILY WAGE LABOUR WORKING AT SV UNIVERSITY, R/O. ARUNDHATHI PURAM VILLAGE, PERUMALLAPALLE MANDAL, TIRUPATI RURAL MANDAL, TIRUPATI DISTRICT-517501.
7. J SUDHAKAR, S/O. SUBBAIAH, AGED ABOUT 47 YEARS, OCC. GAS MECHANIC NMR DAILY WAGE LABOUR WORKING AT SV UNIVERSITY, R/O. ARUNDHATHI PURAM VILLAGE, PERUMALLAPALLE MANDAL, TIRUPATI RURAL MANDAL, TIRUPATI DISTRICT-517501
8. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY (REVENUE DEPARTMENT) SECRETARIAT, VELAGAPUDI, AMARAVATI, GUNTUR DISTRICT-522237.
9. THE CHIEF COMMISSIONER OF LAND ADMINISTRATION, REP. BY IT COMMISSIONER APPEALS, O/O. 1ST AND 3RD FLOORS, APICC BUILDING, AUTO NAGAR, NEAR NRI HOSPITALS, MANGALAGIRI, GUNTUR DISTRICT-522503.
10. THE DISTRICT COLLECTOR, TIRUPATI, TIRUPATI DISTRICT-517501.
11. THE JOINT COLLECTOR, TIRUPATI, TIRUPATI DISTRICT-517501.
12. THE REVENUE DIVISIONAL OFFICER, TIRUPATI REVENUE DIVISION, TIRUPATI DISTRICT-517501.
13. THE TAHSILDAR, TIRUPATI RURAL MANDAL, TIRUPATI

DISTRICT-517601.

...RESPONDENT(S):

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 dispense with filing of certified copy of the judgement and order dated 08.05.2026 passed in W.P. No. 14219 of 2026 and pass

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 judgment and order dated 08.05.2026 passed in W.P.No.14219 of 2026 and pass s

IA NO: 3 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 permit the Petitioner to bring these subsequent facts on record and pass

Counsel for the Appellant:

1.KONDAPARTHY KIRAN KUMAR

Counsel for the Respondent(S):

1.GP FOR ASSIGNMENT

2.GP FOR REVENUE

3.MAHESWARI ARIKA

The Court made the following:

JUDGMENT:-*(per Hon'ble Sri Justice Ravi Nath Tilhari)*

Heard Sri Kondaparthi Kiran Kumar, learned counsel for the appellant appearing through virtual mode, Ms. Maheswari Arika, learned counsel appearing for respondent Nos.1 to 7, and the learned Government Pleader for Revenue for respondent Nos.8, 10, 12 & 13.

2. This writ appeal has been filed by the appellant/respondent No.7 (in the writ petition), aggrieved by the order dated 08.05.2026 passed in W.P.No.14219 of 2026, whereby the learned Single Judge directed the parties to maintain *status quo*, as on the date of the order, with regard to the subject land, with respect to the mutation of the names of the parties concerned for the subject land.

3. Respondent Nos.1 to 7 herein are the writ petitioners in W.P.No.14219 of 2026. The appellant herein is respondent No.7 and respondent Nos.8 to 13 herein are the official respondents.

4. The dispute between the appellant and the writ petitioners pertains to the subject land i.e., to an extent of Ac.2.48 cents in Sy.No.243/3, situated at Cherlopalle Village, Tirupati Rural Mandal, Tirupati District (erstwhile Chittoor District).

5. The case of the writ petitioners was that the subject land was assigned in favour of the writ petitioners' grandfather and he remained in

possession and enjoyment thereof which was also so recorded in the revenue records. The Urban Development Authority issued notice dated 27.02.1987 under Section 5A of the Land Acquisition Act, 1894 and called for the objections and after submission of the objections, the proceedings were withdrawn in the year 1987. It is their further case that the petitioners' grandfather nor his sons transferred the subject land to anyone. However, respondent No.7 in writ petition claimed that his father had purchased the land from the petitioners' grandfather/his legal heirs. Respondent No.6 in the writ petition passed the order of resumption on 16.08.1987 on the ground of violation of the terms and conditions of the assignment which was challenged by the father of respondent No.7 in writ petition No.12556 of 1999 which was disposed of with the direction to the Tahsildar concerned to reconsider the issue with reference to Section 3(5) of the A.P. Assigned Lands (Prohibition of Transfer) Act, 1977. After enquiry an order was passed in favour of the father of respondent No.7 on 13.11.1990 but after his death again the proposal for resumption of the land was initiated on the ground that the land use was changed, into non-agricultural, for the setting up a brick kiln. The order of resumption was passed on 19.06.2006, which was challenged in appeal. The appeal was allowed. The resumption order was set aside on 15.03.2008 by RDO but this order was again set aside in revision on 30.10.2009 by the Joint Collector, with direction to resume the land as per the Rules and to make necessary changes in the revenue records. Respondent No.7 in writ

petition, filed W.P.No.26503 of 2009 which was allowed on 03.02.2020 by setting aside the order dated 30.10.2009. Challenging the order dated 03.02.2020 two writ appeal Nos.373 and 572 of 2021 were filed, which were dismissed confirming the order passed in Writ Petition.

6. Petitioners further case is that respondent No.7 in writ petition without approaching the competent civil court made representation dated 19.05.2025 before the Joint Collector for deletion of the land from prohibited properties list under Section 22A of the Registration Act, 1908 for the land to the disputed extent, which was allowed vide order dated 19.02.2026 deleting the land from the prohibited property list. The writ petitioners' case is that, the order dated 19.02.2026 was passed without notice to them. Challenging the order dated 19.02.2026, the writ petitioners filed appeal along with stay application on 15.04.2026 and the same is pending adjudication before the appellate authority. Their further case is that in the meantime, the entry in revenue records was changed to certain extent of an area, and the petitioners' possession was being attempted to be disturbed by their dispossession/eviction without following due process of law. So they filed the writ petition for direction to the respondents in the writ petition not to evict/dispossess the petitioners from the subject land pending the statutory appeal.

7. The learned Single Judge, by order dated 08.05.2026, disposed of the writ petition No.14219 of 2026, *inter alia*, directing the appellate authority to consider and dispose of the statutory appeal strictly in accordance with law, by hearing all the parties concerned and upon verification of the record and the subject land within the period stipulated.

The operative part reads as under :

“6. In view of the above said facts and circumstances, since the appeal is pending before the 2nd respondent, it is just and necessary to dispose of the same in accordance with law to meet the ends of justice. For the said purpose, the 2nd respondent is directed to consider and dispose of the appeal of the petitioners dated 15.04.2026 strictly in accordance with law by hearing all the parties concerned including the petitioners and the 7th respondent herein, upon verification of the records and the subject land, appropriate decision shall be taken on its own merits as expeditiously as possible, preferably within a period of four (4) months from the date of receipt of this order. In the meanwhile, there shall be an order of status quo as on today to be maintained with respect to the mutation of the names of the parties concerned for the subject land covered under the, said appeal.

7. Accordingly, the writ petition is disposed of. Interim order, if any, deemed to have been vacated. There shall be no order as to costs.”

8. Learned counsel for the appellant submits that so far as the direction to the statutory appellate authority to dispose of the appeal is

concerned, the appellant has no grievance which is confined only to that part of the order whereby the parties have been directed to maintain *status quo* as on the date of the order, with regard to the mutation in respect of the subject land. He submits that in the writ petition there was no challenge on the point of mutation of entries and no relief was sought in that regard. The only relief claimed in the writ petition was with respect to the alleged possession and dispossession from the subject land during the pendency of the statutory appeal before the respondent No.2. Learned counsel submits that such a direction in the judgment under appeal is beyond the scope of the relief sought in the writ petition. He places reliance in ***State of Himachal Pradesh and Others v. Himachal Pradesh Nizi Vyavsayik Prishikshan Kendra Sangh***¹.

9. Learned counsel for the writ appellant/7th respondent in writ petition further submits that the mutation of the name of the appellant had already taken place in respect of an extent of Ac.1.65 cents out of the total extent of Ac.2.48 cents of the subject land.

10. Learned counsel for the writ appellant further submits that the appellant has already instituted O.S. No.47 of 2026 on the file of the Principal Civil Judge (Senior Division), Tirupati, against the writ petitioners (defendants in the suit), in which, the learned Civil Judge, by

¹ (2011) 6 SCC 597

order dated 21.04.2026, has granted an *ad interim* temporary injunction to the effect, “*accordingly ad-interim injunction is granted in favour of the petitioner against the respondents from restraining them not to interfere with the peaceful possession of the plaintiff’s over the petition schedule property by dispensing the notice to them*” which also finds mention in paragraph No.5 of the impugned judgment. If the writ petitioners are aggrieved from the grant of the *ad interim* injunction, they should take recourse to the remedy open to them under law.

11. Learned counsel for the write petitioners/respondent Nos.1 to 7 in writ appeal, submits that, pursuant to the order passed by the learned Single Judge in the writ petition, the statutory appeal is required to be decided expeditiously so, the direction to maintain *status quo* with respect to the mutation entries in the revenue records is justified and calls for no interference.

12. Learned counsel for respondent Nos.1 to 7 further submits that respondent Nos.1 to 7 were not served with the notice of the suit proceedings. The *ad interim* temporary injunction is *ex parte*. They came to know about the said order in the course of the writ proceedings and they are taking steps to enter appearance and take appropriate steps before the learned trial Court in the suit proceedings. However, the writ appellant is attempting to dispossess the writ petitioners from the subject

land and in such a case, irreparable injury would be caused to the petitioners/respondent Nos.1 to 7.

13. We have considered the aforesaid submissions of the learned counsels for the parties and perused the material on record.

14. Insofar as the direction issued by the learned Single Judge for expeditious disposal of the pending statutory appeal is concerned, learned counsels for both the sides have no grievance.

15. The grievance of the writ appellant is with respect to the direction to maintain *status quo* in relation to the mutation entries.

16. We find force in the submission of the learned counsel for the appellant. The relief sought in the writ petition did not pertain to the mutation entries in the revenue records, but was with respect to the alleged attempt of the respondent Nos.5 and 6 in writ petition to dispossess the writ petitioners from the subject land, without following due process of law.

17. The prayer in writ petition reads as under:

“.....to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondents in trying to dispossess the petitioners from the land to an extent of Ac. 2.48 cents in No.243/3 of Cherlopalle Village, Tirupati Rural Mandal, Tirupati District, (erstwhile Chittoor District) pending appeal dated 15.04.2026 before the 2nd Respondent as

illegal, arbitrary, unconstitutional against the principles of natural justice and consequently direct the Respondents not evict/dispossess the Petitioners from the land to an extent of Ac. 2.48 cents in Sy.No.243/3 of Cherlopalle Village, Tirupati Rural Mandal, Tirupati District, (erstwhile Chittoor District) pending appeal dated 15.04.2026 before the 2nd Respondent and to pass.....”

18. The writ petition did not contain any prayer with respect to the mutation entries. Learned counsel for respondent Nos.1 to 7 could not dispute that there was any prayer in the writ petition with respect to the mutation entries. In ***State of Himachal Pradesh*** (supra), the Hon'ble Apex Court held at paragraph No.17, as follows:

*“17. We have already adverted to the relief prayed for by the respondent Association in the said writ petition. **Admittedly, there is no prayer for quashing of even earlier Cabinet decision or order of the Government.** The conclusion of the High Court quashing the Cabinet decision dated 18-7-2009 and as a consequence issuing several directions is unacceptable and contrary to the well-established principles. First of all, there was no prayer for quashing of any decision of the State Government much less the subsequent Cabinet decision dated 18-7-2009. If the High Court was interested in going into the said decision that too after reserving the judgment on 3-7-2009, it is but appropriate to reopen the case, permit the petitioner Association to amend the relief portion and afford adequate opportunity to the State to put forth its stand for modifying this "policy" curtailing certain courses under SCVT. **Admittedly, the High Court has not resorted to such a recourse and simply quashed the decision of the***

Cabinet dated 18-7-2009 and issued various directions which are impermissible.”

19. The settled legal proposition, therefore, is that a Court ought not to grant a relief which has not been prayed in the writ petition being beyond the scope of the writ petition.

20. In ***Union of India V. E.I.D.Parry (India) Ltd.***,², the High Court on its own proceeded to consider the validity of the Rule and ultimately held that it was not in consonance with the relevant provisions of the Railways Act,1890 and consequently held that it was ultra vires. The Hon’ble Apex Court held that the view taken by the High Court was contrary to the settled law that a question, which did not form part of the pleadings or in respect of which the parties were not at variance and which was not the subject matter of any issue, could not be decided by the Court. It was further held that the High Court travelled beyond the pleadings in declaring the Rule to be ultra vires. So, the judgment of the High Court could not be sustained. The relevant portion of paragraph No.4 reads as under :

*“.....4. This view is contrary to the settled law that a question, which did not form part of the pleadings or in respect of which the parties were not at variance and which was not the subject-matter of any issue, could not be decided by the court. **The scope of the suit was***

² (2000) 2 SCC 223

limited. *The pleadings comprising of the averments set out in the plaint and the defence put up by the present appellant in their written statement **did not relate to the validity of the rule struck down by the High Court. The High Court, therefore, travelled beyond the pleadings in declaring the rule to be ultra vires.** The judgment of the High Court, therefore, on this question cannot be sustained.”*

21. In **State of Orissa and another V. Mamata Mohanty**³, the Hon'ble Apex Court held that the relief not claimed could not have been granted. The relevant paragraph No.55 reads as under:

“Relief not claimed—cannot be granted

55. *Pleadings and particulars are required to enable the court to decide the rights of the parties in the trial. Thus, the pleadings are more to help the court in narrowing the controversy involved and to inform the parties concerned to the question in issue, so that the parties may adduce appropriate evidence on the said issue. It is a settled legal proposition that **“as a rule relief not founded on the pleadings should not be granted”**. Therefore, a decision of a case cannot be based on grounds outside the pleadings of the parties. The pleadings and issues are to ascertain the real dispute between the parties to narrow the area of conflict and to see just where the two sides differ. [Vide Sri Mahant Govind Rao v. Sita Ram Kesho [(1897-98) 25*

³ (2011) 3 SCC 436

IA 195 (PC)] , Trojan & Co. v. Nagappa Chettiar [(1953) 1 SCC 456 : AIR 1953 SC 235] , Ishwar Dutt v. Collector (L.A.) [(2005) 7 SCC 190 : AIR 2005 SC 3165] and State of Maharashtra v. Hindustan Construction Co. Ltd. [(2010) 4 SCC 518 : (2010) 2 SCC (Civ) 207]]”

22. Recently in ***Divyagnakumari Harisinh Parmar and Others V. Union of India and Others***⁴ the Hon’ble Apex Court held that it is settled principle of law that no relief can be granted on a case not found in the pleadings. The relevant paragraph No.18 reads as under :

“18. In this regard, we place our reliance on the well-entrenched principle of law that no relief can be granted on a case not founded in the pleadings. This Court cannot entertain an entirely new case at the appellate stage at the behest of either party and is strictly confined to adjudicate the issues arising from the suit as framed by the pleadings of the parties.”

23. We find that the writ petition did not contain any prayer relating to the mutation entries nor a prayer for maintaining *status quo* with respect to the mutation entries pending disposal of the statutory appeal.

⁴ 2025 SCC Online 2064

24. Consequently, we are of the view that the part of the judgment pertaining to the directions issued by the learned single Judge to maintain *status quo* in respect of the mutation entries cannot be legally sustained. The same is accordingly, set aside to that extent.

25. However that is not the end of the matter. The fact remains that the prayer made in the writ petition has not been considered, regarding threat of alleged dispossession by not following the due process of law, in correct perspective.

26. The question as to which of the parties is in possession of the subject property and whether there is any attempt for illegal dispossession are matters which are directly in issue in the pending civil suit. It is not in dispute that the competent Civil Court has already granted an *ad interim* temporary injunction restraining the defendants therein, (the present respondents 1 to 7), and that notice has also been issued in the suit proceedings. Once the dispute is in the civil suit, the parties are required to work out their remedies before the learned trial Court. If the respondents 1 to 7 (writ petitioners) are aggrieved by the ad interim order of injunction or they intend to seek any further interim protection, it is open to them to approach the learned trial Court by filing an appropriate application in the suit or/and to institute the suit; whichever remedy may be available and as may be advised to them.

27. Learned counsel for the appellant submits that the writ petitioners had no knowledge of the *ad interim* temporary injunction order passed in the suit, while filing the writ petition. Learned counsel for the writ appellant disputes and contends that they had the knowledge. We refrain from expressing any views on the said disputed question of fact.

28. Having regard to the submission advanced by the writ petitioners' counsel that there exists an imminent threat of dispossession of the writ petitioners, and further considering their contention that *ad interim* temporary injunction was granted in the pending civil suit *ex parte* and as the writ petitioners are now taking appropriate steps to enter appearance in the suit, we deem it appropriate to protect their interest for a limited period on the principle that no one can be dispossessed except by following due process of law.

29. We make it clear that we have not observed nor be understood as observing about the possession or/and alleged attempt of dispossession not by due process of law, in favour of or against any of the parties.

30. Accordingly, the writ petitioners shall be at liberty to approach the learned trial Court in an appropriate proceedings within a period of three (03) weeks from today. For the aforesaid period, if the writ

petitioners are in possession of the subject property, they shall not be dispossessed except by due process of law.

31. It is further made clear that this order shall not preclude the learned trial Court from considering and passing appropriate orders on the applications strictly on its own merits and in accordance with law, uninfluenced by any observations made in this judgment.

32. The statutory appellate authority shall also proceed and dispose of the pending statutory appeal expeditiously, in terms of the direction issued by the learned Single Judge for expeditious disposal.

33. With the above observations and directions, the Writ Appeal is allowed in part.

No order as to costs.

As a sequel thereto, miscellaneous petitions, if any pending, shall also stand closed.

RAVI NATH TILHARI, J

SUBHENDU SAMANTA, J

Date :18.06.2026.

Note :- L.R. Copy to be marked.

B/o
RPD.

73

THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI
AND
THE HONOURABLE SRI JUSTICE SUBHENDU SAMANTA

(ALLOWED IN PART)

WRIT APPEAL NO: 684 OF 2026

Date: 18.06.2026

Note :- L.R. Copy to be marked.

B/o
RPD.

*** THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI**

*** THE HONOURABLE SRI JUSTICE SUBHENDU SAMANTA**

+ WRIT APPEAL NO: 684 OF 2026

% 18.06.2026.

V.Chandrasekhar Naidu

.....Appellant

And:

\$ 1. E.Muneendra and 12 others

....Respondents.

!Counsel for the Appellant

: Sri Kondaparthi Kiran Kumar

^Counsel for the respondents

: Ms. Maheswari Arika

: Government Pleader for Revenue

<Gist:

>Head Note:

? Cases referred:

1. (2011) 6 SCC 597
2. (2000) 2 SCC 223
3. (2011) 3 SCC 436
4. 2025 SCC Online 2064

HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

* * * *

WRIT APPEAL NO: 684 OF 2026*DATE OF JUDGMENT PRONOUNCED: 18.06.2026.***SUBMITTED FOR APPROVAL:****THE HON'BLE SRI JUSTICE RAVI NATH TILHARI****&****THE HONOURABLE SRI JUSTICE SUBHENDU SAMANTA**

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| 1. <i>Whether Reporters of Local newspapers may be allowed to see the Judgments?</i> | Yes/No |
| 2. <i>Whether the copies of judgment may be marked to Law Reporters/Journals</i> | Yes/No |
| 3. <i>Whether Your Lordships wish to see the fair copy of the Judgment?</i> | Yes/No |

RAVI NATH TILHARI, J

SUBHENDU SAMANTA, J