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APHC010117602018



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

FRIDAY, THE 31st DAY OF JULY 2026

PRESENT

THE HONOURABLE SMT JUSTICE SUMATHI JAGADAM

WRIT PETITION NOs: 5306 and 11889 OF 2018

WRIT PETITION NO:5306 of 2018

Between:

1. Greater Visakhapatnam Municipal Corporation, Rep., by its
Commissioner, Visakhapatnam, Visakhapatnam District.

...Petitioner

AND

1.The State of Andhra Pradesh, Rep. by its Special Chief Secretary,
Revenue Department Secretariat, Velagapudi, Guntur, Guntur
District.

2. The District Collector, Visakhapatnam District, Visakhapatnam.

3. The Joint Collector cum Settlement officer, Visakhapatnam
District.

4. The Tahsildar Visakhapatnam Rural, Mandal, Visakhapatnam.

5. Kandipilli Abbulu died, as per Lrs. of R/o. D.No.6-116,
Adivivaram, Big market, Visakhapatnam Rural Mandal,
Visakhapatnam District

6. Kandipilli Guramma Died, As per Lrs. R/o. D.No.6-116,
Adivivaram, Big market, Visakhapatnam Rural Mandal,
Visakhapatnam District

7. Kandipilli Appa rao, S/o. Abbulu. R/o. D.No.6-116, Adivivaram, Big market, Visakhapatnam Rural Mandal, Visakhapatnam District
8. Kandipilli Bangar Raju Died as per L Rs RR 16 to 18, S/o. Abbulu. R/o. D.No.6-116, Adivivaram, Big market, Visakhapatnam Rural Mandal, Visakhapatnam District
9. Kandipilli Sankar rao, S/o. Abbulu. R/o. D.No.6-116, Adivivaram, Big market, Visakhapatnam Rural Mandal, Visakhapatnam District
10. Kandipilli chinna rao, S/o. Abbulu. R/o. R/o.3-9041, Gandhinagar, Ward-72, Advivaram, Visakhapatnam, Rural Mandal, Visakhapatnam District.
11. Kandipilli Gopi, S/o Abbulu. R/o.3-9041, Gandhinagar, Ward-72, Advivaram, Visakhapatnam, Rural Mandal, Visakhapatnam District.
12. Kandipilli Gurunath Died as per L Rs Rr 19 to 21, S/o Abbulu R/o. D.No.6-116, Adivivaram, Big market, Visakhapatnam Rural Mandal, Visakhapatnam District
13. Kolusu Kanaka Maha Lakshmi, S/o. Ramarao, R/o.D.no.9-116, Adivivaram Big market, Visakhapatnam Rural mandal, Visakhapatnam District.
14. Kandipilli Simhachachaloam, S/o. Appanna, . D.No.6-116, Adivivaram, Big market, Visakhapatnam Rural Mandal, Visakhapatnam District
15. Kandipilli Pydaiah Died as per L Rs Rr 22 to 25, S/o. Appanna, . D.No.6-116, Adivivaram, Big market, Visakhapatnam Rural Mandal, Visakhapatnam District
16. Kandipilli Venkata Lakshmi W/o Late Bangarraju, Aged about 54 years,R/o 6-85, Main Road, Government school back sides, Simhachalam, Visakhapatnam rural, Visakhapatnam, Andhra Pradesh - 530 028.
17. Kandipilli Mohan Rao S/o Lae Bangarraju, Aged about 37 years,R/o 6-85, Main Road, Government school back sides, Simhachalam, Visakhapatnam rural, Visakhapatnam, Andhra Pradesh - 530 028.

18. Yellanki Dhanarupa C/o Kata raju, Aged about 32 years, R/o 59-13-11, Near Market Road, Malkapuram, Visakhapatnam (Urban), Andhra Pradesh -530 011.

19. Kandipilli Santhoshi W/o Late Gurunath, aged about 42 years, R/o 5-133/4, Post Office Street, Adivivaram, Simhachalam, Visakhapatnam Rural, Visakhapatnam, Andhra Pradesh - 530 028.

20. Kandipilli Jhansi Minor D/o Late Gurunath, Aged about 14 years, R/o 9-116, Simhadrinagar, Simhachalam, Patha Adivivaram, Visakhapatnam Rural, Visakhapatnam, Andhra Pradesh - 530 028.

21. Kandipilli Mokshith Minor S/o Late Gurunath, Aged about 8 years, R/o 5-133/4, Post Office Street, adivivaram, Simhachalam, Visakhapatnam Rural, Visakhapatnam, Andhra Pradesh -530 028.

22. Kandipilli Bangaramma W/o Late Pydaiah, Aged about 62 years, R/o 3-90, ward-72, adivivaram, Simhachalam, Visakhapatnam Rural, Visakhapatnam, Andhra Pradesh -530 028.

23. Kandipilli Venkata Ramana S/o Late Pydaiah, Aged about 44 years, R/o 3-90, ward -72, adivivaram, Simhachalam, Visakhapatnam Rural, Visakhapatnam, Andhra Pradesh -530 028.

24. Kandipilli Ganesh S/o Late Pydaiah, Aged about 42 years, R/o 3-90, ward -72, adivivaram, Simhachalam, Visakhapatnam Rural, Visakhapatnam, Andhra Pradesh -530 028.

25. Kandipilli Saradha D/o Late Pydaiah, R/o 3-90, ward -72, adivivaram, Simhachalam, Visakhapatnam Rural, Visakhapatnam, Andhra Pradesh -530 028. RR 16 to 18, 19 to 21, 22 to 25 are brought on record as L.Rs of the deceased respondent nos. 8, 12 and 15 as per the Court's Order dt.20.02.2026 in I.A.Nos.01, 02 and 03 of 2026 respectively.

...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 issue an Writ, order or direction, more particularly one in the nature of Writ of certiorari calling for the records pertaining to the Revision petition no. 54629/EA/AR/2006 dated 21-12-2017 passed by the 15 respondent and set aside the same and pass

IA NO: 1 OF 2018

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 order passed by the 1st respondent in Revision Petition no. 54629/EA/AR/2006 dated 21-12-2017 pending disposal of the above writ petition in this Hon'ble court and 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 to bring the Legal Representatives of the deceased/respondent no.8 on record in the above W.P.No.5306 of 2018 as party respondents no. 23,24 and 25 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 bring the Legal Representatives of the deceased/respondent no.12 on record in the above W.P.No.5306 of 2018 as party respondents no. 16,17 and 18 and pass

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 to bring the Legal Representatives of the deceased/respondent no.15 on record in the above W.P.No.5306 of 2018 as party respondents no. 19,20,21 and 22 and pass

Counsel for the Petitioner: A S C BOSE (SC FOR MUNICIPAL CORPORATIONS AP)

**Counsel for the Respondents: THOOM SRINIVAS
Counsel for the Respondents:GP FOR REVENUE (AP)
Counsel for the Respondents:PILLIX LAW FIRM
Counsel for the Respondents:SUDEEPTHI POTLURI**

WRIT PETITION NO: 11889 OF 2018**Between:**

1. The District Collector,, Visakhapatnam.
2. The Joint Collector-cum-Settlement Officer,, Visakhapatnam District.
3. The Tahsildar,, Visakhapatnam Rural Mandal, Visakhapatnam District.

...Petitioners**AND**

1. The Special Chief Secretary Revenue EA and AR Department, A.P. Secretariat, Velagapudi, Amaravathi, Guntur District.
2. Kandipilli Abbulu died, as per L.Rs R/o.D.No.6-116, Adivivaram Big Market, Visakhapatnam Rural Mandal, Visakhapatnam District.
3. Kandipilli Guramma, (died) as per L.Rs R/o.D.No.6-116, Adivivaram Big Market, Visakhapatnam Rural Mandal, Visakhapatnam District.
4. Kandipilli Appa Rao, S/o.Abbulu. R/o.D.No.6-116, Adivivaram Big Market, Visakhapatnam Rural Mandal, Visakhapatnam District.
5. Kandipilli Bangar Raju died as per L Rs RR 14 to 16, S/o.Abbulu R/o.D.No.6-116, Adivivaram Big Market, Visakhapatnam Rural Mandal, Visakhapatnam District.
6. Kandipilli Sankar Rao, S/o.Abbulu R/o.D.No.6-116, Adivivaram Big Market, Visakhapatnam Rural Mandal, Visakhapatnam District.
7. Kandipilli Chinna Rao, S/o.Abbulu R/o.D.No.6-116, Adivivaram Big Market, Visakhapatnam Rural Mandal, Visakhapatnam District.
8. Kandipilli Gopi, S/o.Abbulu R/o.D.No.6-116, Adivivaram Big Market, Visakhapatnam Rural Mandal, Visakhapatnam District.

9. Kandipilli Gurunath Died as per L Rs Rr 17 to19, S/o.Abbulu R/o.D.No.6-116, Adivivaram Big Market, Visakhapatnam Rural Mandal, Visakhapatnam District.
10. Kolusu Kanaka Maha Lakshmi, S/o.Ramarao, R/o.D.No.9-116, Adivivaram Big Market, Visakhapatnam Rural Mandal, Visakhapatnam District.
11. Kandipilli Sirnhachalam, S/o.Appanna residents of 3-90/1, Gandhinagar, Ward No.72, Adivivaram, Visakhapatnam Rural Mandal, Visakhapatnam District.
12. Kandipilli Pydaiah Died as per L Rs Rr 20 to 23, S/o.Appanna residents of 3-90/1, Gandhinagar, Ward No.72, Adivivaram, Visakhapatnam Rural Mandal, Visakhapatnam District.
13. The Commissioner, Greater Visakhapatnam Municipal Corporation, Visakhapatnam.
14. Kandipilli Venkata Lakshmi W/o Late Bangarraju, Aged about 54 years,R/o 6-85, Main Road, Government school back sides, Simhachalam, Visakhapatnam rural, Visakhapatnam, Andhra Pradesh - 530 028.
15. Kandipilli Mohan Rao S/o Late Bangarraju, Aged about 37 years,R/o 6-85, Main Road, Government school back sides, Simhachalam, Visakhapatnam rural, Visakhapatnam, Andhra Pradesh - 530 028.
16. Yellanki Dhanarupa C/o Kata raju, Aged about 32 years, R/o 59-13-11, Near Market Road, Malkapuram, Visakhapatnam (Urban), Andhra Pradesh - 530 011.
17. Kandipilli Santhoshi W/o Late Gurunath, aged about 42 years, R/o 5-133/4, Post Office Street, Adivivaram, Simhachalam, Visakhapatnam Rural, Visakhapatnam, Andhra Pradesh - 530 028.
18. Kandipilli Jhansi Minor D/o Late Gurunath, Aged about 14 years, R/o 9-116, Simhadrinagar, Simhachalam,Patha Adivivaram, Visakhapatnam Rural, Visakhapatnam, Andhra Pradesh - 530 028.

19. Kandipilli Mokshith Minor S/o Late Gurunath, Aged about 8 years, R/o 5-133/4, Post Office Street, adivivaram, Simhachalam, Visakhapatnam Rural, Visakhapatnam, Andhra Pradesh -530 028.

20. Kandipilli Bangaramma W/o Late Pydaiah, Aged about 62 years, R/o 3-90, ward-72, adivivaram, Simhachalam, Visakhapatnam Rural, Visakhapatnam, Andhra Pradesh -530 028.

21. Kandipilli Venkata Ramana S/o Late Pydaiah, Aged about 44 years, R/o 3-90, ward -72, adivivaram, Simhachalam, Visakhapatnam Rural, Visakhapatnam, Andhra Pradesh -530 028.

22. Kandipilli Ganesh S/o Late Pydaiah, Aged about 42 years, R/o 3-90, ward -72, adivivaram, Simhachalam, Visakhapatnam Rural, Visakhapatnam, Andhra Pradesh -530 028.

23. Kandipilli Saradha D/o Late Pydaiah, R/o 3-90, ward -72, adivivaram, Simhachalam, Visakhapatnam Rural, Visakhapatnam, Andhra Pradesh -530 028. RR 14 to16,17 to 19, 20 to 23 are brought on record as L.Rs of the deceased respondent nos. 5,9 and 12 as per the Court's Order dt.20.02.2026 in I.A.Nos.01,02 and 03 of 2026 respectively.

...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 issue a Writ, order or direction more particularly one in the nature of Writ of Certiorari calling for the records relating to the order in Revision Petition No.54629/EA and AR/2006 dt.21.12.2017 of the Special Chief Secretary to Government, Revenue (EA and AR) Department, and quash the same and pass

IA NO: 1 OF 2018

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 operation of the order in Revision petition No. 54629/EA and AR/2006 dt. 21-12-2017 of the Special Chief Secretary to Government, Revenue (EA and AR) Department, pending disposal of the above writ petition

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 bring the Legal Representatives of the deceased/respondent no.5 on record in the above W.P.No.5306 of 2018 as party respondents no. 20,21 and 22 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 bring the Legal Representatives of the deceased/respondent no.9 on record in the above W.P.No.5306 of 2018 as party respondents no. 13,14 and 15 and pass

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 to bring the Legal Representatives of the deceased/respondent no.12 on record in the above W.P.No.11889 of 2018 as party respondents no. 16,17,18 and 19 and pass

Counsel for the Petitioners: GP FOR REVENUE (AP)
Counsel for the Respondents: GP FOR ASSIGNMENT (AP)
Counsel for the Respondents:THOOM SRINIVAS
Counsel for the Respondents:PILLIX LAW FIRM
Counsel for the Respondents:SUDEEPTHI POTLURI

This Court made the following:

COMMON ORDER:

The controversy in the present writ petitions centers around the validity of the order passed by the Government under the proviso to Section 11 of the Andhra Pradesh (Andhra Area) Estate (Abolition and Conversion into Ryotwari) Act, 1948 (for short “the Estates Abolition Act”). In deciding the said controversy, this Court is required to examine the extent of the Government’s jurisdiction under the Estates Abolition Act, the effect of the earlier proceedings and the directions issued by this Court, the objection as to limitation, the nature and classification of the subject land, the evidentiary value of the revenue records relied upon by the parties, and ultimately whether the impugned order warrants interference in exercise of certiorari jurisdiction under Article 226 of the Constitution of India.

2. Both the writ petitions are filed challenging one and same order passed by the Special Chief Secretary, Revenue (EA & AR) Department, Government of Andhra Pradesh (Hereinafter refer to as “the Revisional Authority”), in Revision Petition No.54629/EA & AR/2006, dated 21.12.2017, which is preferred against the order of the District Collector, Visakhapatnam, in S.R.No.11 (Pro) 1 to 28/05 Rc.No.7780/95 F-2 dated 12.01.2006, made under Section 11(pro)

of the Estates Abolition Act, pertaining to Survey Nos. 32/4, 35/1, 35/2, 35/3, and 35/4, covering an area of Acs.11.15 cents in Mudasarlova Village, Visakhapatnam Rural Mandal, Visakhapatnam District. Hence, they are heard together and being disposed of by this common order.

3. W.P.No.5306 of 2018 is filed by Greater Visakhapatnam Municipal Corporation (GVMC) while W.P.No.11889 of 2018 is filed by the District Collector, Visakhapatnam, the Joint Collector-cum-Settlement Officer, Visakhapatnam District, and the Tahsildar, Visakhapatnam Rural Mandal.

4. The dispute arises under the Estates Abolition Act and involves the grant of ryotwari patta to the unofficial respondents.

5. SUBMISSIONS OF THE WRIT PETITIONERS

(a). Mudasarlova Village is one of the villages in the erstwhile Vizianagaram Estate, which was abolished following the enactment of the Estates Abolition Act. Settlement rates and records were introduced in the village with effect from 01.07.1959. Originally, Mudasarlova Village consisted of only 27 survey numbers.

(b). Survey Nos. 28 to 71 were newly created by delineating land from R.S.No. 26 and assigned to tribal families as well as certain non-tribal families within Darapalem H/o Mudasarlova Revenue Village. The D-form pattas issued in the year 1977 to both tribal and non-tribal beneficiaries have been duly regularized.

(c). The Mandal Revenue Officer, Visakhapatnam Rural Mandal, by Rc. No. 1095/92/HA dated 27-12-1993, revoked the prior assignment granted to the claimants due to gross violations of the assignment conditions. Subsequently, the lands were officially resumed by the Government and allocated to the Greater Visakhapatnam Municipal Corporation for the development of water works, a botanical garden and a green belt, as per Proc.Ac.No.881/93/A10 dated 23-01-1994 of the District Collector, Visakhapatnam.

(d). Aggrieved by the cancellation of D-Form Pattas, the assignees filed W.P. No.11747/1994, which was disposed of on 30.06.1994, directing the Appellate Authority, i.e., the Revenue Divisional Officer, Visakhapatnam, to pass orders on the appeal.

(e). The claim petitions vide I.A.Nos.2/95 to 29/95, filed by the predecessors of unofficial respondents (Jalumuri Appanna and 27

others) seeking the grant of Ryotwari Patta u/s. 11(a) of the Estates Abolition Act were dismissed by the Settlement Officer, Visakhapatnam, on 25.03.1995 on the ground of limitation.

(f). Being aggrieved by the orders, Jalumuri Appanna and others filed a Revision Petition before the Director of Settlements, Andhra Pradesh, which was dismissed on 04.04.1996, thereby confirming the orders of the Settlement Officer.

(g). Challenging this, they filed a further revision before the Commissioner of Survey, Settlements and Land Records, Andhra Pradesh. This was also dismissed by order dated 20-06-1998 in P1/357/96, thereby confirming the order of the Director of Settlements.

(h). Subsequently, W.P. Nos.21730 of 1998 and W.P.No.9038 of 1999 preferred by V. Appanna & 25 others were disposed of by this Court by orders dated 05.11.2002 and 24.01.2003 respectively, whereby the matters were remanded to the District Collector, Visakhapatnam, for fresh consideration.

(i). Pursuant to the remand orders of this Court, the District Collector, Visakhapatnam, initiated an inquiry, verified the relevant land records and examined the claims. Upon thorough verification,

the District Collector determined that the subject land is absolute Government land. The prior land assignments granted to the claimants have already been cancelled, due to gross violation of assignment conditions, and the land was lawfully resumed by the Government. The Claimants failed to establish that they were inducted into possession by the landholders on or before the statutory crucial date of 1st July 1945 and rejected the same vide order dated 12-1-2006.

(j). The appeal preferred by the claimants Kasi Ramu and others before the Commissioner of Appeals was remanded to the District Collector vide Ref. P1/412/2006 order dated 01.09.2008. The Joint Collector vide Rc.No.7780/1995 F2 dated 16.06.2012 rejected the claim for ryotwari Patta. Questioning the said order, the L.Rs of Kasi Ramu and others filed a revision before the Commissioner of Appeals, who in turn, remanded the matter to the District Collector, which was rejected on 12.07.2016, against which, the L.Rs of Kasi Ramu and others filed revision before the Commissioner of Appeals, who granted interim stay on 19.01.2017.

(k). At this stage, W.P.No.9032 of 2016 filed by Sri Kandapalli Gopi, s/o Abbulu, for grant of Patta was disposed of on 06.04.2016

by directing the Settlement Officer to dispose of the revision petition within a period of 12 weeks.

(l). Sri Kandipalli Gopi S/o Late Abbulu and others have filed a revision petition before the Special Chief Secretary, Government of Andhra Pradesh, against the orders of the District Collector, Visakhapatnam in SR.No.11(Pro) 1 to 28 /2015/F2 dated 12.01.2006 which were passed under Sec 11 (Pro) of the Estates Abolition Act pertaining to Sy.Nos.32/4, 35/1, 35/2, 35/3 and 35/4 to an extent of Ac.11.15 cents in Mudasarlova Village of Visakhapatnam Rural Mandal.

(m). The District Collector, Visakhapatnam, has filed a detailed counter affidavit in the matter. After perusing the counter affidavit filed by the District Collector and the affidavit filed by the revision petitioners, the Revisional Authority by an order, dated 21.12.2017 has allowed the revision petition, which is impugned in the present writ petitions.

6. GROUND ARGUED BY THE WRIT PETITIONERS

i) The Revisional Authority failed to appreciate that the claim was barred by an inordinate and unexplained delay as the claimants offered no plausible explanation for waiting from 1959 to 1995 to file

their claim. They chose to agitate the claim after the District Collector handed over the land to the GVMC for water works and botanical garden vide proceedings dated 23.01.1994.

ii) The District Collector also rejected the claim on the merits, identifying a fatal defect in the case that the Revisional Authority chose to ignore for 22 years.

iii) Furthermore, the claimants' plea of poverty and illiteracy is completely unpersuasive and legally untenable. Their active awareness of their rights is clearly demonstrated by their successful acquisition of D-Form pattas in 1977 and their subsequent approach to this Court in 1994.

iv) Additionally, the Revisional Authority misconstrued the narrow and specific scope of the proviso to Section 11 of the Estates Abolition Act. Raising a fresh claim under Section 11, after losing before multiple competent authorities, is entirely beyond the purview and intent of the Act. In doing so, the Revisional Authority overlooked the finality of the settlement record published in 1959, which had remained unchallenged for decades. The Revisional Authority completely ignored the concurrent findings of the Settlement Officer, the Director of Settlement, and the

Commissioner of Survey, Settlements and Land Records, all of whom found that the claim was time barred.

v) In support of their contentions, the learned Government pleader relied on the following judgments:

1. Chief Conservator of Forests, Govt. of A.P. Vs. Collector and others reported in (2003) 3 SCC 472. (para-13)
2. Enforcement Directorate Vs. State of Kerala in W.P.(C) No.13112 of 2021(L). (paras 6 & 7)
3. State of A.P. Vs. Dulla Ramunaidu in W.A.No.292 of 2019 dated 07.04.2022 (paras 27 to 37)
4. State of Gujarat Vs. Patil Raghav Natha reported in (1969) 2 SCC 187. (paras 11 & 12)
5. Pamidimarri Chenchulakshamma Vs. The Estates Abolition Tribunal Nellore (District Court) and others reported in AIR 1972 AP 1 FB (paras 18 to 29, 47 to 61)
6. Sarvepalli Ramaiah (Dead) through LRs Vs. District Collector, Chittoor District reported in (2019) 4 SCC 500 (paras 41 to 49)

7. SUBMISSIONS OF THE UNOFFICIAL RESPONDENTS

(a). The unofficial respondents' predecessors and the unofficial respondents are in possession and enjoyment of the subject land by cultivating the land.

(b). Mudasarlova village in Visakhapatnam Rural is a Zamindari Village of the Erstwhile Vizianagaram Estate. Mudasarlova village was abolished, along with its parent Vizianagaram Samstanam, by the erstwhile Government of the Madras Presidency. The village was taken over under the provisions of the Estates Abolition Act along with other villages of the Vizianagaram Estate.

(c). After the abolition of Estate, regular survey and settlement operations were conducted, and new settlement rates were introduced with effect from 01.07.1959.

(d). During the survey and settlement operations, the settlement authorities prepared Settlement Fair Adangal (SFA) records by recognizing all eligible persons as pattadars.

(e). The survey and settlement register pertaining to the year Fasli 1314 (i.e.,1904) prepared during the said survey operations, is called 'Gilman Register' and contains 72 survey numbers for the village of Mudasarlova in the then Pedagadi Thana of Vizianagaram Samsthanam. It reveals that the subject lands were recognized as ryotwari dry lands.

(f). The survey and settlement of Mudasarlova village was completed in the year 1959, and the was introduced and published under Sections 22 and 23 of the Estates Abolition Act.

(g) The unofficial respondents' ancestors' rights were recognized as ryots, and their names were incorporated in the Settlement Fair Adangal. As such, they are pattadars of the subject land as on the cut-off date, i.e., 01.07.1948, and became entitled to ryotwari pattas.

(h). The unofficial respondents and their ancestors have been in continuous possession of the subject land from 1929 till date, and the unofficial respondents were under the impression that, in view of the entries of their names in the Settlement Fair Adangal, 10/1 Adangal and Revenue Records, and the publication made under Sections 22 and 23 of the Estates Abolition Act, they are owners of the subject land.

(i). In 1993, for the first time, the authorities interfered with the possession of the unofficial respondents, contending that the unofficial respondents were issued D-Form pattas in their favour in 1979 and that the said D-Form pattas were cancelled in 1993 by the Mandal Revenue Officer, Visakhapatnam Rural.

(j). The unofficial respondents have come to know of the provisions of the Estates Abolition Act, and to put an end to the ongoing interference by the authorities, they preferred an application under Section 11(a) of the Estates Abolition Act before the Joint Collector & Settlement Officer for the grant of Ryotwari Pattas. The said application was rejected by an order dated 25.03.1995 in I.A. Nos.2/95 to 29/5 on the ground of delay and being barred by limitation.

(k). Then, the unofficial respondents preferred a revision before the Director of Settlement and the said revision petition was dismissed on 04.04.1996 in R.P.No.11/95/VSP-B2. Aggrieved by the same, they filed further revision before the Commissioner of Survey, Settlements and Land Records, and the same was also dismissed by an order dated 20.06.1998 in File No. P1/357/96.

(l). Aggrieved by the same, the unofficial respondents had preferred a Writ Petition in W.P.No.9038 of 1999 before this Court, and the same was disposed of by an order dated 24.01.2003, directing the Revisional Authority to consider the representations of the petitioners therein (unofficial respondents) for grant of pattas on merits, without being influenced by any of the findings given in that

order, after giving notice and opportunity to the petitioners therein (unofficial respondents).

(m). Afterwards, the Revisional Authority sent the representations to the District Collector, Visakhapatnam, through Memo No. 80138/JA2/2002-1 dated 22.01.2003. The request was rejected in a decision dated 12.01.2006. The order explained that the lands claimed by the individuals were actually lands that the Government had taken back. It is also said that the claimants did not receive the lands from the landowners on or after July 1, 1945, which is an important date. Additionally, it mentioned that cases with larger land claims could be reviewed by the Government under the Estates Abolition Act.

(n). The Government of Andhra Pradesh has taken up a revision against the order dated 12.01.2006 passed by the District Collector, Visakhapatnam under Section 11 (Proviso) of the Estates Abolition Act. After hearing the arguments of all the interested parties, the revision petition filed by the unofficial respondents was allowed by an order dated 21.12.2017 in Revision Petition No. 54629/EA & AR/2006.

8. GROUND ARGUED BY UNOFFICIAL RESPONDENTS

i) The Unofficial respondents raised a preliminary objection to the maintainability of the writ petition in W.P.No.11889 of 2018, contending that the writ petitioner, the District Collector, is only an Officer of the State and he cannot maintain a writ petition against the orders passed by the Government, the Revisional Authority, as no specific consent or authorization is filed, and that the said writ petition is misconceived and liable to be dismissed.

ii) The Revisional Authority has dealt with all the issues raised by both the parties, including the nature of the land, possession of the claimants (unofficial Respondents) prior to 01.07.1945, entries in the Settlement Fair Adangal, classification of the land, and various other factual issues, which were meticulously considered while setting aside the order passed by the District Collector, Vishakhapatnam, dated 12.01.2006.

iii) The unofficial Respondents' forefathers (ancestors) were inducted into the possession of the subject land by the erstwhile landholder of Vizianagaram Estate. The predecessor in title has paid the cist and available cist receipts are for the years 1929, 1939, 1945, 1946 and 1947 which are pre-abolition records. The unofficial respondents or their predecessors in title have been in possession

of the subject lands as on the notified date 01.07.1945 and paid kadapu (kaulu) after abolition for the years 1949, 1953, 1954, 1955 and 1959 which clearly establishes that the land is a zeroity land and same is in cultivation, possession and enjoyment of the predecessors in title of unofficial respondents. The Gilman Register shows that Mudasarlova village was divided into Survey Nos.1 to 72 and Sy.Nos.32/4, 35/1, 35/2, 35/3 and 35/4 are existing zeroity lands in the said settlement register. The unofficial respondents' ancestors' names were shown as pattadars in the Settlement Fair Adangal for an extent of Acs.11.15 cents.

iv) As per the report of the Advocate Commissioner dated 26.04.1995 in W.P.No.5355/1995, there are existing mango and cashew plantation in the subject land which clearly establishes that the land is a zeroity land under cultivation. The unofficial respondents have filed various writ petitions against the Revenue Authorities and GVMC (writ petitioners herein). In all the writ petitions, the unofficial respondents have consistently pleaded that their predecessors are the ryots of the subject land as defined under the provisions of the Estates Abolition Act. Admittedly, this Court had passed various orders protecting the possession of the

unofficial respondents from the authorities, as such, the possession of the unofficial respondents remains intact as on today.

v) The unofficial respondents have clearly established their rights over the subject land, as the names of their predecessors are recorded in the Settlement Fair Adangal as ryots. As such, the unofficial respondents have fulfilled the requirements for grant of pattas under Section 11 of the Estates Abolition Act. The entries in the Settlement Fair Adangal clearly prove that the predecessors of the unofficial respondents were put in possession of the subject lands before the crucial date 01.07.1945.

vi) The proviso to Section 11 confers wider power on the Government to grant patta even if a person admitted to possession of any land on or after 01.07.1945 be entitled to a ryotwari patta in respect of such land.

vii) The writ petitioners have not raised any ground of jurisdiction before the Revisional Authority, as such, they have waived the right of taking such a plea in the writ petitions.

viii) The writ petitioners had challenged the impugned order seeking Writ of Certiorari but did not plead any substantial ground

amenable to the Writ Jurisdiction under Article 226 for granting the Writ of Certiorari.

ix) Further, the GVMC was only allotted land subject to certain conditions and final approval by the Government. The GVMC has not filed any document to show that the land was rightfully transferred to them, as such, the Writ Petition W.P.No.5306 of 2018 filed by the GVMC is not maintainable, as the writ petitioner lacks *locus standi*.

x) In support of their contentions, the learned counsel appearing on behalf of the unofficial respondents relied on the following judgments:

1. Chief Conservator of Forests Vs. Collector reported in (2003) 3 SCC 472
2. L. Ramesh and others Vs. The State of A.P. reported in 2021 (5) ALT 324
3. State of Haryana and another Vs. Amin Lal and others reported in 2024 SCC OnLine SC 3368
4. Balwant N.Viswamitra and others Vs. Yadav Sadashiv Mule and others reported in (2004) 8 SCC 706
5. Dokiseela Ramulu Vs. Sri Sangameswara Swamy Varu and others reported in (2017) 2 SCC 69
6. Indermani Kirtipal Vs. Union of India and others reported in (1996) 2 SCC 437

7. Central Counsel for Research in Ayurvedic Sciences Vs. Bikartan Das reported in (2023) 16 SCC 462

9. Heard the arguments advanced on both sides and perused the material available on record including the written submissions filed by both the counsels.

10. In opposition to the writ petitions, the unofficial respondents raised an issue against the maintainability of the writ petitions. The District Collector, being a subordinate Administrative Officer within the State Government hierarchy, cannot legally challenge or maintain a writ petition against an order passed by their own superior authority, i.e., the Revisional Authority-Government.

11. It is relevant to state on record that this is the second round of litigation, as earlier the subject land was dealt with by the Settlement Officer, The Director of Settlements, and the Commissioner of Survey, Settlements & Land Records, who had concurrently rejected the claim as barred by limitation. Aggrieved by the same, the unofficial respondents have approached this Court by filling W.P.No.9038 of 1999. This Court, by order dated 24.01.2003, disposed of the said Writ Petition, directing the Government to consider the representation of the unofficial respondents herein on merits, without influenced by any of the findings given in that order.

There upon, the Government, by memo No.80138/JA2/2002-1, communicated the representation of the unofficial respondents to the District Collector, Visakhapatnam, for taking necessary action and the said claim was rejected vide order dated 12.01.2006.

12. The learned Government Pleader representing the writ petitioners had contended that the three lower authorities – the Settlement Officer (1995), the Director of Settlements (1996), and the Commissioner of Survey, Settlements & Land Records (1998), had concurrently rejected the claim. The District Collector again rejected the claim in 2006 after a detailed enquiry. The Special Chief Secretary, sitting in a revisional capacity, upset all these findings based on the same evidence. This is impermissible unless there is a manifest error of law or perversity while invoking the provisions of Section 11 proviso. The Revisional Authority cannot exercise its power as an appellate Court. It cannot re-appreciate evidence and substitute its own findings, unless the lower order is without jurisdiction or perverse. The Revisional Authority's order is a classic case of overreach. It has acted as if it was the original adjudicating authority, re-appreciating the Gilman Register and the Settlement Fair Adangal without any fresh evidence. This is a jurisdictional error and liable to be set aside.

13. The learned senior Counsel, Sri V.R.Avula, representing the unofficial respondents, while opposing the said contentions, submits that the Revisional Authority had entertained the representations of the unofficial respondents in compliance with the orders passed by this Court in W.P.No.9038 of 1998 dated 24.01.2003. The said order passed by this Court had attained finality and the writ petitioners have participated in the case without raising the objection of jurisdiction before the Revisional Authority. As such, the writ petitioners are estopped from taking this plea.

14. This Court, upon careful consideration of the rival contentions of the counsels representing the parties respectively and on facts of the case, comes to the conclusion that the Revisional Authority had taken up the enquiry on the directions of this Court to consider the representation of the unofficial respondents on merits. In any event, the earlier orders passed by the primary and appellant authorities are solely on the ground of limitation/ time-barred claim, as such, in the earlier round of litigation, none of the authorities have considered the evidence submitted by the unofficial respondents. The Revisional Authority, for the first time, after the directions passed by this Court, has discussed the evidence of the case and rendered findings based on the same. As such, the contention of the

writ petitioners that the Revisional Authority committed jurisdictional error by re-appreciating the evidence cannot be accepted.

15. This Court has also considered the legal position as to the nature of enquiry under Section 11 proviso of the Estates Abolition Act. The grant of ryotwari is a statutory power conferred upon the Government and the Government has delegated the power to the Lower Authorities under the rules framed under the Estates Abolition Act. Under Rule 3, under Section 67 (1) & (2), the powers of the Government under the Act, ordered to be exercised by the authorities specified in Column-3 in the schedule. As against Section 11 proviso, the Collector of the District can exercise power subject to revision by the Government, in the case of an extent involved does not exceed Acs.2.50 cents of wet or garden land or Acs.5.00 cents of dry land and subject to revision by Government. On perusal of the above provisions of the Act and the Rules framed there under, the Primary Authority is not empowered to deal with the case of claim exceeding Acs.2.50 cents of wet or garden land or Acs.5.00 cents of dry land. In the present case, the claim of the unofficial respondents is exceeding the said extent specified under the Rules, as such, the earlier orders passed by the Primary Authority is hit by inherent lack of Jurisdiction. In view of the

foregoing discussion, as stated above, this Court is of the considered opinion that the impugned order does not suffer from any jurisdictional error and the same is not barred by principles of constructive *res judicata*.

16. The Learned Government Pleader representing the writ petitioners submits that it is the specific pleading of the writ petitioners that the Revisional Authority has no Jurisdiction to entertain the revision, because the revision itself is not maintainable, as the Statute prescribes an appeal before the Commissioner of Appeals since an appeal or revision lies to the Commissioner of Appeals against the order of the District Collector under the Act. As such, the Revisional Authority erred in allowing the revision without having any jurisdiction to decide the same on the merits. It is his further contention that other similarly situated claimants of similar dispute have preferred appeals before the appellate authority. In view of the same, the Revisional Authority ought not to have entertained the revision and ought to have dismissed the same.

17. The Learned Senior Counsel representing the unofficial respondents *per contra* submits that in fact, apart from other grounds on merits of the impugned order, this is the only ground urged by the writ petitioners in the affidavit filed in support of the writ

petition. The basis for this contention is that, after the directions issued by this Court in W.P No. 9038 of 1999, the Government *vide* memo No.80138/JA2/2002-1 directed the District Collector to take necessary action. Upon which, the District Collector by order, dated 12.01.2006, has dismissed the claim of the unofficial respondents. Against the said orders, a statutory appeal/revision ought to have been filed before the Commissioner of appeals and not before the Government. The said ground of the writ petitioners is flawed from necessary facts and law. It is also submitted that the Government, by a memo, had directed the District Collector to take necessary action, this itself does not make the order of the District Collector as an appealable order. As per the directions of this Court and also as per the powers conferred upon the Government by Statute, the Government is the Authority to grant ryotwari pattas. The District Collector is only directed, by a memo, to conduct enquiry enabling the Government to pass necessary orders in terms of the Statute and in terms of the directions issued by this Court.

18. It is also submitted by the learned Senior Counsel representing the unofficial respondents that the District Collector, while passing the order dated 12.01.2006, had recorded a categorical finding that in accordance with Rule 3 framed under

Section 67(1) and (2) of the Estates Abolition Act, revisions involving claims not exceeding 2½ acres of wet/garden land or 5 acres of dry land shall lie with the Government. Insofar as the claim of the predecessors of the unofficial respondents is concerned, it exceeds the extent specified under the Rules. As it is more than 5 acres, the Government is the competent authority for issuance of ryotwari pattas. Having recorded the above rule, the District Collector has stated that the cases relating to the claim exceeding the extent may be transferred to the Government with the above findings for consideration under the provisions of the Estates Abolition Act. The District Collector, having referred the above Rule, ought to have refrained from giving any findings on merits of the case. Any findings given by the District Collector in the order dated 12.01.2006 is without jurisdiction and nullity in the eye of law. As such, this ground of the writ petitioners is misconceived. In any event, the Government, while passing the orders in the revision, has specifically referred the order passed by this Court in W.P No.9038 of 1999 under proviso to Section 11 of the Estates Abolition Act. Therefore, the revision is taken up by the Government, pursuance to the orders of this Court.

19. This Court has scrutinized the order passed by the District Collector dated 12.01.2006, and the findings recorded by the District Collector in the conclusive paragraphs with regard to the Rules framed under the Estates Abolition Act and also the extents claimed by the predecessors of the unofficial respondents. Having admitted in his order that the claim of the unofficial respondents is exceeding the limit prescribed, the District Collector ought to have refrained from rejecting the claim of the unofficial respondents and also proceeded to discuss the case on merits.

20. The learned Senior Counsel representing the unofficial respondents has relied on the judgment of the Hon'ble Supreme Court in **Balwant N. Viswamitra v. Yadav Sadashiv Mule (dead) through LRs¹**, wherein it is held that the decree or order passed by the Court or authority having no jurisdiction is nullity. This Court holds that following the said judgment of the Hon'ble Supreme Court, the order passed by the District Collector dated 12.01.2006 is nullity in law. In any event, the Government is directed by this Court to consider the representation of the unofficial respondents, as such, the impugned order passed by the Revisional Authority is in conformity with law and warrants no interference on this ground.

¹ (2004) 8 SCC 706

21. In view of the foregoing discussion, this Court finds that the ground urged by the writ petitioners that the statutory appeal/revision lies on the order passed by the District Collector dated 12.01.2006 and not revision before the Government, is unsustainable.

22. The Learned Government Pleader representing the writ petitioners submits that after the Survey Settlement Records were introduced in Mudasarlova Village, which consists of 27 Survey Numbers, and the land in Survey No.26 admeasuring an extent of Acs.270.00 cents was classified as “water works poramboke” and recorded as Government Land. The said land was partly encroached by the Scheduled Tribes, as such, the District Administration have newly carved out survey Nos.28 to 71 from Survey No.26 and issued D-Form pattas in the year 1977. He further submits that the predecessors of the unofficial respondents were also issued D-Form pattas along with others in the year 1977. Subsequently, for violation of conditions of assignment, the said D-Form pattas were cancelled *vide* Rc.No.1095/92 HA dated 27.12.1993 by the Mandal Revenue Officer, Vishakhapatnam. After cancellation of D-Form pattas, the land was resumed to the Government by following due procedure of law.

23. Further, aggrieved by the cancellation of D-Form pattas, the assignees approached this Court by filing W.P No.11747 of 1994 and the said Writ Petition was disposed of by this Court directing the Revenue Divisional Officer, Vishakhapatnam, to dispose of the appeal pending before him. In view of the said facts, the unofficial respondents admit to have come into the possession of the subject land, only after the grant of D-Form pattas in the year 1977. Similarly, the said fact of issuance of D-Form pattas in the year 1977 and subsequent cancellation of the said pattas in the year 1993 would clinchingly prove the case of the writ petitioners that the predecessors of the unofficial respondents were not inducted into the possession of land before the crucial date i.e., 01.07.1945.

24. The learned Senior Counsel representing the unofficial respondents refutes the allegations made by the writ petitioners and submits that the writ petitioners claim that the pattas were granted in the year 1977 and the same was cancelled for violation of conditions on 27.12.1993. But, copies of grant of D-form pattas, proceedings of allotment, notice for cancellation and resumption orders were neither filed before the Revisional Authority nor before this Court to support the said allegation. Further, the contention of the writ petitioners that the unofficial respondents have challenged

the cancellation of D-Form pattas before this Court in W.P.No. 11747 of 1994 and the dismissal of the said writ petition, is factually incorrect. The allegation of the writ petitioners regarding the issuance of D-Form pattas, cancellation of the pattas and resumption of the land and handing over the same to the GVMC, are only set up by the writ petitioners to deprive the unofficial respondents of their lawful right over the subject property.

25. This Court, upon careful consideration of the rival contentions of the counsels and on perusal of the facts and the material placed before this Court, finds force in the arguments of the learned Senior Counsel appearing on behalf of the unofficial respondents. The writ petitioners did not place any record before this Court to support their contention that the predecessors of unofficial respondents were not inducted into the subject land before the crucial date i.e., 01.07.1945 and have only come into the possession of the subject land through the issuance D-Form pattas. The proceedings of issuance of D-Form pattas and the proceedings of resumption of land after cancellation of D-form pattas and the service of notices of resumption is not filed before this Court.

26. Another aspect which this Court has perused is that W.P.No.11747 of 1994, which is stated to have been filed by the

unofficial respondents challenging the cancellation of D-Form Pattas, as contended by the writ petitioners, is lacking merit. The counsel for the unofficial respondents have filed copies of Writ petition in W.P.No.11747 of 1994, along with the order passed by this Court by a Memo *vide* W.P (USR) No.39770 of 2026 in W.P No. 5306 of 2018 on 02.04.2026. The said record placed before this Court manifestly establishes that the predecessors of the unofficial respondents were not parties to the said Writ Petition as contended by the writ petitioners herein. Therefore, the contention of the writ petitioners insofar as the issuance of D-Form Pattas, cancellation and resumption of land, would fail.

27. Insofar as the contention of the writ petitioners that the predecessors of the unofficial respondents were not inducted into the possession of land as on the cut off date i.e., 01.07.1945 is factually incorrect and the same is against the record. This Court has carefully examined the documents filed by the unofficial respondents along with the counter affidavit. The unofficial respondents have filed the cist receipts pertaining to the years 1929, 1939, 1946 and 1947 and Koulu Kada patram of the years 1945, 1949, 1953, 1954, 1955 and 1959. The unofficial respondents have also filed the copy of the extract of 10(1) Adangal and also

Settlement Fair Adangal record. It is also relevant to state that the very same documents were filed by the unofficial respondents before the District Collector as well as the Revisional Authority. In fact, the Revisional Authority had categorically recorded the documents filed by the unofficial respondents in support of their claim. It is also recorded in the impugned order by the Revisional Authority that the writ petitioners failed to produce the pre-abolition records and settlement records before the adjudicating authority from the date of inception. The Tahsildar is the Manager of the estates. After the Estates Abolition Act came into force, he is the custodian of the revenue records and failed to produce the assignment records, such as, Form-D, D.R File, Provisional Allotment, Appendix II, Check memo, Proceedings of the assignment committee, original cancellation of assignment, proof of service of cancellation orders, and proceedings of taking over of possession by revenue authorities. This Court has also verified the documents of Advocate Commissioner Report filed before this Court in W.P.No.5355 of 1995 and pre and post abolition records filed by the unofficial respondents before the Revisional Authority and this Court. On perusal of the said records, this Court is of the firm opinion that the possession of the unofficial respondents can be traced back to the crucial cut off date i.e., 01.07.1945.

28. In view of the foregoing discussion, this Court finds that the ground taken by the writ petitioners regarding issuance of D-Form patta, cancellation of D-Form pattas and resumption of land to the Government has to be rejected. Further, the contention of the writ petitioners that predecessors of the unofficial respondents were not inducted into the possession prior to cut off date i.e., 01.07.1945 is against the record and the same cannot be acceded to the entries in the Settlement Fair Adangal record and 10(1) Adangal clearly reflects the entries of names of the predecessors of the unofficial respondents and their possession of subject land on the crucial date of settlement operations. As per the Settlement Fair Adangal, the subject survey numbers were recorded in the name of Kandipally Abbulu and others as private patta lands.

29. The learned Government Pleader submits that the Estates Abolition Act provides a clear statutory framework for the grant of Ryotwari pattas only for specific categories of land. The Act explicitly excludes certain categories of land from the definition of 'ryoti land' for which pattas can be granted. Poramboke lands—a classification that includes river porambokes, tank beds (Ava tank poramboke), communal lands, grazing lands, and waste lands are statutorily vested in the Government and cannot be assigned to

private individuals. He further contends that since the classification of land is recorded as “Water Works Poramboke”, the subject land cannot be claimed by the unofficial respondents and not entitled for grant of pattas. The learned Government Pleader places reliance on the judgment of Hon’ble Supreme Court in ***Sarvepalli Ramaiah (Dead) Through LRs v. District Collector, Chittoor District***² and the judgment of this Court in ***Pamidimarri Chenchulakshamma v. The Estates Abolition Tribunal Nellore (District Court)***³.

30. The learned Senior Counsel representing the unofficial respondents asserts that neither the subject land is a poramboke/tank bed land nor the classification of the subject land as “Water Works Poramboke.” The learned Senior Counsel representing the unofficial respondents has taken this Court to the documents which are filed as Annexures along with the counter affidavit. The Settlement Fair Adangal extract shows that Survey No.32/4 of an extent of Acs.3.80 cents is recorded as Ryotwari Punja standing in the name of Kandipilli Gurramma W/o Appayya. Similarly, other extents in Survey No. 35/1 to 4 to an extent of Acs.7.35 cents were entered in the name of Kandipalli Abbulu and Kandipalli Appanna and it was recorded as ryotwari punja. But the same is struck off

² (2019) 4 SCC 500

³ AIR 1972 AP 1 (FB)

later and recorded as “Banjar/ Municipal Water Works”. The Banjar was entered beside the name of the unofficial respondents’ forefathers without assigning any reasons and without showing any corresponding details of proceedings.

31. This Court, upon careful consideration of rival contentions of the counsels and on perusal of the citations relied by the learned Government Pleader, finds that the citations submitted do not apply to the present facts of the case. The Full Bench of this Court was dealing with a dispute primarily involved whether landholders in an inam estate could claim ryotwari pattas for lands that were originally classified as tank beds, water bodies. The core question was whether such lands, which may not have been used for irrigation for some time, could be treated as roity (arable/private) land and assigned to the landholders. In the other case of Hon’ble Supreme Court of India, it is ruled that water bodies and tank bed lands are inalienable public trust assets. The Court held that no ryotwari patta can be granted on such lands. This Court finds that there is no dispute in the above principle of law, but for this Court has to look into the factual aspects, whether or not the present case falls under any of the category referred above.

32. This Court have gone through the material made available by the unofficial respondents on record and satisfied that the Settlement Fair Adangal extract has been modified without any proceedings by striking off the relevant extracts. In fact, the Revisional Authority in the impugned order has categorically recorded that the unofficial respondents have placed settlement Fair Adangal copy which is obtained under the RTI Act and filed for consideration. In such a case, the writ petitioners being the custodian of the revenue records did not offer any reasonable explanation for the said corrections in the Settlement Fair Adangal records. Therefore, the records clearly established that on the date of survey and settlement operation and at the time of preparation of Settlement Fair Adangal, the unofficial respondents' forefathers were in possession of the subject land and their names were registered in the Settlement Fair Adangal as roitys. Further, a report of the Advocate Commissioner dated 26.04.1995, which is filed before this Court, confirms that the unofficial respondents were in possession of the subject land where there are thick grown plants. In view of the above discussion, this Court holds that the subject lands are not "Water Works Poramboke" as stated by the writ petitioners.

33. The learned Government Pleader submits that the application under Section 11 (proviso) is barred by an inordinate delay and laches, as the Estate was abolished and taken over by the Government on 07.09.1949 and the unofficial respondents allegedly knew their rights, yet they filed the claim under Section 11(a) in 1995 and a delay of over 45 years from the date of the final publication of settlement records. The Settlement Officer, the Director of Settlements, and the Commissioner of Survey, Settlements & Land Records had concurrently rejected the claim as barred by limitation. The scope of Section 11 (proviso) is narrow, it does not permit reopening of finalized settlement records. Where a claim for patta has been rejected by the Settlement Officer, the Government may, *suo motu* or on application, pass orders. This power must be exercised within a reasonable time frame and cannot be used to unsettle final records without new and compelling evidence. Further, the unofficial respondents/claimants failed to prove their induction into the land before the crucial date i.e. 01.07.1945 which is mandatory requirement, as the 29 unofficial respondents must prove that their predecessors were in lawful possession as ryots on the crucial date and the cist receipts filed by the unofficial respondents are not conclusive proof of title, especially when the land was classified as water works poramboke in the

Settlement Fair Adangal and the Gilman Register of 1904 cannot override the final Settlement Fair Adangal of 1959, which is a statutory record.

34. The learned Government Pleader for Revenue, having submitted as above on limitation, inordinate delay and laches, has relied on the judgment passed by the Division Bench of this Hon'ble Court and contends that the claim of the unofficial respondent is barred by limitation. In ***State of Andhra Pradesh V. Dulla Ramanaidu*** in (W.A.No.292 of 2019 dated 07.04.2022), it is held thus:

"37. The Estates Abolition Rules, 1973, were framed under Rule 47 vide G.O.Ms.No.50, Revenue (J-1), dated 16.01.1974, exercising the source of power conferred on the Government under Section 67 (d) & (e) of the Estates Abolition Act and those Rules still holds good. Therefore, the principle laid down by High Court of Andhra Pradesh in Appalanaidu vs. Government of Andhra Pradesh (referred supra) has no application. Even the principle laid down in V. Bhaskar Rao and others vs. M.R.O (referred supra) is not applicable to the present facts of the case, in view of G.O.Ms.No.911, Revenue (J) dated 15.08.1983, G.O.Ms.No.551, Revenue (J), dated 19.05.1986, G.O.Ms.No.400, Revenue (JA), dated 24.04.1993 repealing the two provisos annexed to Sub-Rule (4) of Rule 2 of Estate Abolition Rules, 1973. As on and from the date of issue of G.O.Ms.No.911, Revenue (J), dated 15.08.1983, G.O.Ms.No.551, Revenue (J), dated 19.05.1986, G.O.Ms.No.400, Revenue (JA), dated 24.04.1993, the authorities under the Act are disentitled to exercise power to condone delay and the provisions of Limitation Act, more particularly, Sections 5 and 14 have also no application to the proceedings under the Estates

Abolition Act. But the learned single Judge did not advert to the G.Os referred above amending the Rules and based on the principle laid down in Appalanaidu vs. Government of Andhra Pradesh (referred supra), concluded that, there is no limitation for filing applications for issue of settlement patta under Section 11(a) of Estates Abolition Act. The settlement of estate under Section 22 of Estates Abolition Act was made in the year 1959. Therefore, the claim of the petitioners is beyond limitation prescribed under Rule 47 of the Estate Abolition Rules, 1973 read with G.O.Ms.No.50, Revenue (J-1), dated 16.01.1974, G.O.Ms.No.911, Revenue (J) dated 15.08.1983, G.O.Ms.No.551, Revenue (J), dated 19.05.1986, G.O.Ms.No.400, Revenue (JA), dated 24.04.1993. The petitioners or the learned Government Pleader for Revenue might not have brought to the notice of the learned single about omitting the two provisos annexed to Sub Rule (4) of Rule 2 of Estate Abolition Rules, 1973 by G.O.Ms.No.50, Revenue (J-1), dated 16.01.1974, G.O.Ms.No.911, Revenue (J) dated 15.08.1983, G.O.Ms.No.551, Revenue (J), dated 19.05.1986, G.O.Ms.No.400, Revenue (JA), dated 24.04.1993. Therefore, learned single Judge committed an error in holding that, no time is prescribed to make appropriate applications under Section 11(a) of the Estates Abolition Act for issue of ryotwari patta in favour of the ryots/claimants. Hence, the finding of the learned single Judge regarding limitation is hereby set-aside, while holding that the claim of the petitioners/respondents herein is hopelessly barred by limitation.”

i) In ***State of Gujarat Vs. Patel Raghav Natha***⁴, it is held thus:

“11. The question arises whether the Commissioner can revise an order made under Section 65 at any time. It is true that there is no period of limitation prescribed under Section 211, but it seems to us plain that this power must be exercised in reasonable time and the length of the reasonable time must be determined by the facts of the case and the nature of the order which is being revised.

⁴ (1969) 2 SCC 187

12. It seems to us that Section 65 itself indicates the length of the reasonable time within which the Commissioner must act under Section 211. Under Section 65 of the Code if the Collector does not inform the applicant of his decision on the application within a period of three months the permission applied for shall be deemed to have been granted. This section shows that a period of three months is considered ample for the Collector to make up his mind and beyond that the legislature thinks that the matter is so urgent that permission shall be deemed to have been granted. Reading Sections 211 and 65 together it seems to us that the Commissioner must exercise his revisional powers within a few months of the order of the Collector. This is reasonable time because after the grant of the permission for building purposes the occupant is likely to spend money on starting building operations at least within a few months from the date of the permission. In this case the Commissioner set aside the order of the Collector on October 12, 1961, i.e. more than a year after the order and it seems to us that this order was passed too late.”

35. *Per contra*, the learned Senior Counsel representing the unofficial respondents submits that in both the Writ Petitions, limitation is not pleaded. The only ground taken by the writ petitioners in the Writ Petitions apart from the merit of the findings given by respondent No.1 is that respondent No.1 has no jurisdiction to entertain the revision for the reason that against the order passed by the District Collector dated 12.01.2006, appeal or revision lies with the Commissioner of Appeals under the Estates Abolition Act. In fact, the writ petitioners in W.P No.11889 of 2018 i.e., the District Collector and others had not taken the ground of

limitation even before respondent No.1. The ground has to be pleaded with relevant material. Though the writ petitioner in W.P.No.5306 of 2018 i.e., the GVMC has taken the ground of limitation before the Revisional Authority, the same cannot be taken into consideration for the following reasons given below:

(a) The initial application filed by the unofficial respondents under Section 11 (a) of the Estates Abolition Act was rejected, both the revisions filed before the Revisional Authorities were dismissed solely on the ground of limitation and time barred claim. The Writ Petition W.P No. 9038 of 1999 filed challenging the orders of all the lower authorities was disposed of with a specific direction to the Government to consider the applications filed by the unofficial respondents on merits without being influenced by any of the findings in the orders passed by the settlement officers/ Revisional Authorities. The order passed by this Court in the said Writ Petition had attained finality.

(b) The writ petitioners, having submitted themselves to the orders of this Court and participated in the proceedings before the District Collector and the Government of A.P in the Revision, are estopped by conduct in agitating the ground of limitation which was not even taken or adjudicated by the District Collector and the Government in

the revision. This Court's direction in W.P.No.9038 of 1999 "to decide on merits without being influenced by any of the findings" itself is unambiguous and this Court was conscious while passing the said order to decide the case on merits.

(c) This Court has directed the applications filed by the unofficial respondents to be considered under Section 11 proviso of the Estates Abolition Act by the Government. The difference being any person being ryot can file a claim petition under section 11 (a) of the Estates Abolition Act before the Settlement Officer claiming ryotwari patta and any orders passed will be subject to revision by the Director of Survey Settlement and further revision by CCLA. In the present case, after disposal of the Writ Petition by this Court, the applications filed by the unofficial respondents were considered by the District Collector while passing an order dated 12.01.2006 and the Government in the revisional order dated 27.12.2017 under Proviso to Section 11 of the Estates Abolition Act, as such, the contention of the writ petitioners that the limitation will apply to the present case, is incorrect and not maintainable given the facts of the case.

36. The learned Senior Counsel representing the unofficial respondents has relied on a citation of Hon'ble Supreme Court in

Dokiseela Ramulu v. Sri Sangameswara Swamy Varu⁵ wherein it

is held as under:

“17. Insofar as the instant issue is concerned, Original Suit No. 32 of 1974 was decreed in favour of the appellant, and it was duly declared that the appellant was in possession of the land in question. The appellant and his ancestors were also held to be in continuous possession of the land in question, well before the notified date - 17-1-1959. That being the position, in terms of Section 11 of the 1948 Act, the appellant automatically became entitled to a "ryotwari patta". We say so because, it is only when the possession and occupation of the agricultural land is subsequent to the first day of July, 1945, that the State Government would examine the circumstances of each case, and thereupon, in an appropriate case, issue a direction that "ryotwari patta" was to be extended to the tenant of such agricultural land. However, since Original Suit No. 32 of 1974 clearly declared, that the agricultural land in question was under the tenancy of the appellant and his ancestors well prior to the notified date-17-1-1959, the appellant was automatically entitled to "ryotwari patta", in respect of the land in question.

19. It is also relevant for us to notice that in order to escape the binding liability emerging out of the judgment and decree dated 31.10.1977 (passed in Original Suit Nos. 32 and 73 of 1974), wherein the relationship between the appellant and Sri Sangameswara Swamy Varu, was held to be not as of tenant and landlord, the learned counsel for respondent no.1, vehemently contended that the civil courts had no jurisdiction in the matter, and as such, the appellant could not derive any benefit from the above judgment. It is not necessary for us to deal in any detail, with the provisions relied upon by the learned counsel, because the precise submission advanced on behalf of respondent 1, was examined in *State of T.N. v. Ramalinga Samigal Madam*, (1985) 4 SCC 10, wherein this Court held as under:

⁵ (2017) 2 SCC 69

"12. Now turning to the question raised in these appeals for our determination, it is true that Section 64-C of the Act gives finality to the orders passed by the Government or other authorities in respect of the matters to be determined by them under the Act and sub-section (2) thereof provides that no such orders shall be called in question in any court of law. Even so, such a provision by itself is not, having regard to the two propositions quoted above from Dhulabhai's case, (1968) 3 SCR 662, decisive on the point of ouster of the Civil Court's jurisdiction and several other aspects like the scheme of the Act, adequacy and sufficiency of remedies provided by it etc., will have to be considered to ascertain the precise intendment of the Legislature. Further, having regard to the vital difference indicated above, in between the two sets of provisions dealing with grant of ryotwari pattas to landholders on the one hand and ryots on the other different considerations may arise while deciding the issue of the ouster of Civil Court's jurisdiction to adjudicate upon the true nature of character of the land concerned. Approaching the question from this angle it will be seen in the first place that Section 64-C itself in terms provides that the finality to the orders passed by the authorities in respect of the matters to be determined by them under the Act is "for the purposes of this Act" and not generally nor for any other purpose. As stated earlier, the main object and purpose of the Act is to abolish all the estates of the intermediaries like Zamindars, Inamdars, Jagirdars or under-tenure holders, etc., and to convert all land-holdings in such estates into ryotwari settlements which operation in revenue parlance means conversion of alienated lands into non-alienated lands, that is to say, to deprive the intermediaries of their right to collect all the revenues in respect of such lands and vesting the same back in the Government. The enactment and its several provisions are thus intended to serve the revenue purposes of the Government, by way of securing to the Government its sovereign right to collect all the revenues from all the lands and to facilitate the recovery thereof by the Government and in that

process, if necessary, to deal with claims of occupants of lands, nature of the lands, etc. only incidentally in a summary manner and that too for identifying and registering persons in the revenue records from whom such recovery of revenue is to be made. The object of granting a ryotwari patta is also to enable holder thereof to cultivate the land specified therein directly under the Government on payment to it of such assessment or cess that may be lawfully imposed on the land. Section 16 is very clear in this behalf which imposes the liability to pay such ryotwari or other assessment imposed upon the land to the Government by the patta-holder. The expression "for the purposes of this Act" has been designedly used in the section which cannot be ignored but must be given cogent meaning and on a plain reading of the section which uses such expression it is clear that any order passed by the Settlement Officer either granting or refusing to grant a ryotwari patta to a ryot under Section 11 of the Act must be regarded as having been passed to achieve the purposes of the Act, namely, revenue purposes, that is to say for fastening the liability on him to pay the assessment or other dues and to facilitate the recovery of such revenue from him by the Government; and therefore any decision impliedly rendered on the aspect of nature or character of the land on that occasion will have to be regarded as incidental to and merely for the purpose of passing the order of granting or refusing to grant the patta and for no other purpose." (emphasis supplied)

For reason of the above legal position declared by this Court, it is not possible to accept that the judgment and decree dated 31.10.1977, was not binding on Sri Sangameswara Swamy Varu.

20. It is also not possible for us to accept that the claim raised by the appellant was barred by limitation. It was never in dispute between the parties that the appellant was in possession of the land. Only that respondent 1 claimed that the appellant was in possession of the land, as its tenant. Our instant determination on the issue of

limitation emerges from the fact that the appellant had preferred Execution Application No.18/2007 when respondent 1 allegedly tried to interfere with the possession of the agricultural land in question on 06.07.2005. There was no justification for determining limitation, with reference to the date when the decree in Original Suit No.32/1974 was passed. The relevant date for determining limitation was 06.07.2005, when the appellant's possession was allegedly threatened. Viewed as above, the claim raised by the appellant, was certainly not barred by limitation."

37. This Court, upon careful consideration of the rival contentions of the counsels and on perusal of the above discussed settled position of law on limitation objection raised by the unofficial respondents, this Court finds that initially, the authorities under the Estates Abolition Act i.e., Primary Authority, Appellate Authority and Revisional Authority concluded that the claim of the unofficial respondents was barred by limitation. However, the matter was remanded to the Government by this Court in W.P.No. 9038 of 1999 and the Government, in turn, relegated the matter to the District Collector, Visakhapatnam, to take necessary action on the representations as per the orders of this Court. It is rightly contended by the learned Senior Counsel representing the unofficial respondents that this Court was fully aware of the fact that the claim petition filed before the Settlement Officer by the unofficial respondents under Section 11(a) of the Estates Abolition Act was

dismissed solely on the ground of time barred claim / limitation, which was confirmed by the appellate and the revisional authorities. Even so, this Court, while disposing of the Writ Petition *vide* W.P.No.9038 of 1999, had directed the Government to consider the representations filed by the unofficial respondents, without being in any way influenced by any of the findings given earlier. Admittedly, the order passed in the said writ petition has attained finality, as no challenge was made to the said order.

38. Even so, the District Collector in his order dated 12.01.2006 did not touch the aspect of limitation, even though limitation is not set up as a ground before the District Collector while passing order dated 12.01.2006. Nevertheless, this Court can examine the question of limitation at any stage of the proceedings, subject to the facts and circumstance of the case before the Court. Therefore, now this Court deems it necessary to examine the present case basing on the legal precedents submitted by the learned counsels to this Court.

39. This Court has thoroughly examined the decision rendered in **State of A.P. Vs. Dulla Ramunaidu (supra)**, wherein the Division Bench of this Court was dealing with an order passed by the learned Single Judge of this Court allowing the claim of the petitioners

therein. In the said case also, the aspect of limitation was not set up as a ground, but the Division Bench of this Court has proceeded to decide the question of limitation on facts of the case therein. In conclusion, the Division Bench of this Court has held that in view of the Estates Abolition Rules, 1973, the authorities under the Estates Abolition Act are disentitled to exercise the power to condone delay and the provisions of Limitation Act, more particularly, Sections 5 and 14 have also no application to the proceedings under the Estates Abolition Act. In view of the said Rules and G.Os. issued by the Government from time to time, the Division Bench has held that the claim of the petitioners therein is beyond limitation prescribed under the Rules and barred by limitation.

40. On perusal of the above judgment passed by the Division Bench of this Court, it is evident that the case which is dealt with by the Division Bench of this Court is on an application under Section 11(a) of the Act, before the Primary Authority for grant of pattas. In that context, the Division Bench of this Court has held that applications Under Section 11(a) of the Estates Abolition Act filed before the primary authority would attract limitation as prescribed under the Rules.

41. Insofar as the present case on hand is concerned, it is only on the directions of this Court that the representations filed by the unofficial respondents were considered on merits without being influenced by any of the rejection orders. This Court is of the view that the directions issued in W.P.No.9038 of 1999, directing the Government to consider the representations of the unofficial respondents on merits, had put to rest the dispute of limitation once for all. In fact, this is the reason that the writ petitioners had not raised the issue of limitation before the District Collector and before the Revisional Authority. As stated above, the writ petitioners did not plead the ground of limitation even in the Writ Affidavits.

42. It is also relevant to understand the quite distinction between the application filed under section 11(a) of the Estates Abolition Act before the Primary Authority and the representation which is considered by the Government under Section 11 proviso of the said Act. The issue dealt with by the Division Bench of this Court in **State of A.P. Vs. Dulla Ramunaidu (supra)** falls under the first category i.e., an application under Section 11(a) filed before the Primary Authority and the present case falls under the second category i.e., proviso to Section 11 of the Act, where the representations of the unofficial respondents were considered, therefore, both the

applications are distinctly different. Further, the Estate Abolition Rules are framed by the Government under Rule 67 of the Estates Abolition Act, which disentitles the authorities acting under the statute to entertain time barred claims. Here, in the present case, the applications were considered by the Government which is conferred powers under the statute and upon directions of this Court. Therefore, this Court finds that the ground of limitation urged by the learned Government Pleader does not apply to the present case.

43. This Court finds that the grant of pattas is not restricted to Section 11 of the Estates Abolition Act. It establishes that a landowner's right to a Ryotwari patta (a legal document proving land ownership) is not lost, simply because they applied late. Various Courts have ruled that the Government owes a duty to verify the physical nature of the land and grant patta if it is a cultivable Ryotwari property. In the case of ***S.Kulanthaivel Vs. The District Revenue Officer, Namakkal***⁶, it is held as under:

“32.that the land owner's right to a Ryotwari patta was, by no means lost, merely because his application under Section 13 was rejected as time barred. This Court pointed out that in the event of Ryotwari Patta not being granted, the land owner will not have a right of appeal against such an order. Nevertheless, given the

⁶ 2010 WLR 356

nature of land as a cultivable land in respect of which the land owner was entitled to Ryotwari patta, then, independent of any enquiry conducted by the Settlement Officer in the course of any proceedings before him contemplated under Section 15 of the Act, the Government owes a duty to the land owner to grant him the Ryotwari patta.

33. The effect of the decision, as referred to above, is irrespective of whether a claim was made for a grant of patta by a land owner, the character of the land as a Ryotwari land remains as it is either before or after the Act unless the holding pattern undergoes a radical change either by forces of nature, Act of God or of man. Secondly, the fact that the petitioner like land owners have not approached the authorities concerned on time does not mean, the Government could, as such, take over the land as a poramboke without conducting an enquiry and survey. The duty cast on the Government is an inevitable one, that the Government has to go in the character of the land, which has to be surveyed and settled. If the survey conducted by the Government discloses that the item in question was one in respect of which the land owner was entitled to Ryotwari Patta, then, independent of any enquiry conducted by the Settlement Officer, in the course of any proceedings, the Government has to grant the owner, the Ryotwari patta.”

44. In view of the foregoing discussion, this Court finds that the aspect of limitation as argued by the learned Government Pleader for the writ petitioners has no force and the said ground cannot be accepted on the facts of this case.

45. Having noticed the issues that arise for consideration, this Court shall first examine the question of maintainability of the Writ Petition No.11889 of 2018 filed by the District Collector and others

and the Writ Petition No.5306 of 2018 filed by the GVMC represented by its Commissioner.

46. The learned Government Pleader representing the petitioners in W.P No.11889 of 2018 submits that a legal entity can sue or be sued in its own name. A Government post or office (like "District Collector") is generally not recognized as a juristic person. For any dispute involving the property or affairs of the State, the State itself is the necessary party. Article 300 of the Constitution and Section 79 of C.P.C. mandates that the State must sue or be sued in the name of "State".

47. However, if the Estates Abolition Act confers upon the "District Collector" (in his statutory capacity) a quasi-judicial or adjudicatory function that is independent of Government control, and the Government Order interferes with the exercise of that independent statutory power, then a writ petition is maintainable. The District Collector being the statutory authority has enquired into the claim of the unofficial respondents, and unsatisfied with their claim, also rejected their applications under Section 11 on 12.01.2006 and 12.07.2016. The unofficial respondents, by misrepresenting the facts and law, obtained the present impugned

order, therefore, the District Collector under the capacity of quasi-judicial authority has assailed the present impugned order.

48. In support of his contention, the learned Government Pleader has relied on the citation of Hon'ble Supreme Court in case of **Chief Conservator of Forests, Government of Andhra Pradesh v. Collector**⁷ wherein it is held thus:

“13. The question that needs to be addressed is, whether the Chief Conservator of Forests as the appellant-petitioner in the writ petition/appeal is a mere misdescription for the State of Andhra Pradesh or whether it is a case of non-joinder of the State of Andhra Pradesh - a necessary party. In a lis dealing with the property of a State, there can be no dispute that the State is the necessary party and should be impleaded as provided in Article 300 of the Constitution and Section 79 of C.P.C., viz., in the name of the State/Union of India, as the case may be, lest the suit will be bad for non-joinder of the necessary party. Every post in the hierarchy of the posts in the Government set-up, from the lowest to the highest, is not recognised as a juristic person nor can the State be treated as represented when a suit/proceeding is in the name of such offices/posts or the officers holding such posts, therefore, in the absence of the State in the array of parties, the cause will be defeated for non-joinder of a necessary party to the lis, in any court or Tribunal. We make it clear that this principle does not apply to a case where an official of the Government acts as a statutory authority and sues or pursues further proceeding in its name because in that event, it will not be a suit or proceeding for or on behalf of a State/Union of India but by the statutory authority as such.”

⁷ (2003) 3 SCC 472

i) The learned Government Pleader also relied on the judgment of the High Court of Kerala in ***Enforcement Directorate Vs. The State of Kerala*** in **W.P. (C) No.13112 of 2021 (L) dated 11.08.2021**, wherein it is held as under:

“6. Insofar as the Directorate of Enforcement is a statutory body, the contention that it is only a Department of the Central Government is only to be rejected. The proposition that a statutory body is entitled to file a writ petition invoking Article 226 of the Constitution cannot be doubted. In other words, the Directorate of Enforcement is certainly entitled to institute a writ petition in its name.”

49. Placing reliance on the said principle, the learned Government Pleader submits that the District Collector being the statutory authority under the provisions of the Estates Abolition Act has preferred W.P.No.11889 of 2018 assailing the impugned order and the same is maintainable.

50. The learned Senior Counsel along with the counsel representing the unofficial respondents *per contra* submits that the subject matter was dealt with by the District Collector, upon issuance of a Memo by the Government, in terms of orders passed by this Court in W.P.No.9038 of 1999, therefore, it is on the specific directions, the District Collector has acted upon the representations filed by the unofficial respondents before the Government. In any

event, this Court has specifically directed the Government to dispose of the representations filed by the unofficial respondents, as such, the District Collector was acting under the instructions of the Government and on behalf of the Government. Therefore, the District Collector cannot be termed as a Statutory Authority under the provisions of the Act. On this ground alone, the Writ Petition is liable to be dismissed.

51. The learned Senior Counsel representing the unofficial respondents is also relying upon the same judgment of Hon'ble Supreme Court in **Chief Conservator of Forests** (7 supra), stating that the Hon'ble Apex Court has dealt with the issue that the State concerned is a necessary party in a dispute relating to the property of the State and must be impleaded in the suit or proceedings. Conversely, it is the submission of the learned Senior Counsel that the Writ Petition filed by the petitioner as District Collector, Visakhapatnam, is not maintainable before this Court for a simple reason that the District Collector being an officer of the State cannot challenge the orders passed by the State represented by the Principal Secretary.

52. In **Chief Conservator of Forests** case, the Chief Conservator of Forests has questioned the order of the

Commissioner of Survey, Settlements and Land Records. Before the High Court, the writ petition was dismissed, against which, an appeal before the Hon'ble Supreme Court was filed by the Chief Conservator of Forests. The Court held that it was not only inappropriate but also illegal for the Chief Conservator of Forests, though he might have done with a good faith, to have questioned the order of the Commissioner of Survey, Settlements and Land Records before the High Court. The Chief Conservator of Forests as the petitioner can neither be treated as the State of Andhra Pradesh nor can it be a case of mis-description of the State of Andhra Pradesh. The fact is that the State of Andhra Pradesh was not the petitioner. The relevant paragraph in the case of **Chief Conservator of Forests (7 supra)** is extracted as under:

“16. Now, reverting to the facts of the case on hand, we are of the view that after the said statutory order of the Commissioner of Survey, Settlement and Land Records, the matter should have rested there. We have, therefore, no hesitation in coming to the conclusion that it was not only inappropriate but also illegal for the Chief Conservator of Forests, though he might have done so in all good faith, to have questioned the order of the Commissioner of Survey, Settlement and Land Records before the High Court of Andhra Pradesh in Writ Petition (C) No. 3414 of 1982. The Chief Conservator of Forests as the petitioner can neither be treated as the State of Andhra Pradesh nor can it be a case of misdescription of the State of Andhra Pradesh. The fact is that the State of Andhra Pradesh was not the petitioner. Therefore, the writ petition was not maintainable in law. The High Court, had it deemed fit so to do, would have added the State of Andhra Pradesh as a

party; however, it proceeded, in our view erroneously, as if the State of Andhra Pradesh was the petitioner which, as a matter of fact, was not the case and could not have been treated as such. As the writ petition itself was not maintainable, it follows as a corollary that the appeal by the Chief Conservator of Forests is also not maintainable.....”

53. On consideration of rival submissions made by the counsels representing the parties, this Court finds that the writ petitioners are a part of the Revenue Department and cannot maintain the present writ petition without permission from the Government, as a District Collector generally does not have the *locus standi* to file a Writ Petition against a revision order passed by the Chief Secretary of the State without obtaining the prior permission or authorization from the State Government. To have *locus standi* under Article 226 of the Constitution, an individual must be personally affected or suffer a legal injury. The District Collector essentially acts as an agent of the State Government. In the decision of the Hon’ble Supreme Court in ***Roop Chand Vs. State of Panjab***⁸, it is observed as follows:

“11. The question then arises, when the Government delegates its power, for example, to entertain and decide an appeal under Section 21(4), to an officer and the officer pursuant to such delegation hears the appeal and makes an order, is the order an order of the officer or of the Government? We think it must be the order of the

⁸ AIR 1963 SC 1503

Government. The order is made under a statutory power. It is the statute which creates that power. The power can, therefore, be exercised only in terms of the statute and not otherwise. In this case the power is created by Section 21(4). That section gives a power to the Government. It would follow that an order made in exercise of that power will be the order of the Government for no one else has the right under the statute to exercise the power. No doubt the Act enables the Government to delegate its power but such a power when delegated remains the power of the Government, for the Government can only delegate the power given to it by the statute and cannot create an independent power in the officer. When the delegate exercises the 26 power, he does so for the Government. It is of interest to observe here that **Wills, J. said in Huth v. Clarke [LR (1890) 25 QBD 391]** that “the word delegate means little more than an agent”. An agent of course exercises no powers of his own but only the powers of his principal. Therefore, an order passed by an officer on delegation to him under Section 41(1) of the power of the Government under Section 21(4), is for the purposes of the Act, an order of the Government. If it were not so and it were to be held that the order had been made by the officer himself and was not an order of the Government — and of course it had to be one or the other — then we would have an order made by a person on whom the Act did not confer any power to make it. That would be an impossible situation. There can be no order except as authorized by the Act. What is true of Section 21(4) would be true of all other provisions in the Act conferring powers on the Government which can be delegated to an officer under Section 41(1). If we are wrong in the view that we have taken, then in the case of an order made by an officer as delegate of the Government's power under Section 21(4) we would have an appeal entertained and decided by one who had no power himself under the Act to do either. Plainly, none of these things could be done.” (Emphasis supplied)

54. A close reading of the judgment of the Hon'ble Supreme Court as well as the Queen's Bench would make it very clear that

an Officer designated by the Government to perform statutory duties cannot file a writ petition to challenge the Government's own orders, as the Officer is fundamentally bound by the State's hierarchical decision. This is clearly impermissible in law besides being an antithesis to the 'doctrine of finality' in view of the judgment referred to supra. The Court ruled that the word "delegate" means little more than an agent. An agent does not exercise personal power, but rather acts on behalf of the principal. Because the authority emanates from the statute directly to the Government, any officer the Government appoints to exercise that statutory power is doing so on behalf of the Government. Therefore, the learned Senior Counsel representing the unofficial respondents was right in his submission that, if there is a person who is aggrieved by the order impugned in this writ petition, it must be the State Government. The District Collector, who passed the order, was delegated power under the statute by the Government, as such, he is not exercising any administrative power. Therefore, the contention of the learned Government pleader that the District Collector is an aggrieved party by the order of the State Government cannot be countenanced at all.

55. Insofar as Writ Petition *vide* W.P.No.5306 of 2018 filed by the GVMC contending that a part of subject land was handed over to them by the then District Collector, Vishakhapatnam, in Rc.No. 881/1993/A10, dated 23.01.1994, as it was clarified as Municipal Water Woks Poramboke as per Settlement Fair Adangal, is concerned, the learned Standing Counsel, Sri A.S.C.Bose, representing the GVMC has submitted that in view of the land to an extent of Acs.91.22 cents being handed over to them, they have impleaded themselves in the proceedings before the Revisional Authority (Government) and also filed their written statement. As such, they are aggrieved by the impugned order and being a vested interested party, the Writ Petition filed by GVMC is maintainable.

56. *Per contra*, the learned Senior Counsel representing the unofficial respondents contends that the land was allotted by the District Collector by proceedings *vide* Rc.No.881/1993/A10, dated 23.01.1994, with certain terms and conditions subject to final orders by the Government. As such, the GVMC cannot be termed as an aggrieved party and cannot maintain the present Writ Petition, and as such, the GVMC has no *locus standi* to challenge the impugned orders passed by the Government. Though the unofficial respondents had taken ground of maintainability of the writ petition

filed by the District Collector, the other writ petition filed by the GVMC has to be dealt with on merits, as such, he submitted to this Court that both the matters may be dealt with on merits including the maintainability of the writ petition W.P. No.11889 of 2019 filed by the District Collector.

57. This Court, upon careful consideration of the rival contentions of the counsels representing the parties and on perusal of the above discussed settled position of law on preliminary objection raised by the unofficial respondents, this Court finds force in the submissions of the learned Senior Counsel representing the unofficial respondents that the Writ Petition filed by the District Collector in W.P No.11889 of 2018 is not maintainable, but in view of the Writ Petition in W.P.No.5306 of 2018 filed by the GVMC assailing the very same order, the merits of the case are also being dealt with in both the writ petitions.

58. The learned Senior Counsel representing the unofficial respondents contends that the present Writ Petitions are filed praying for the relief of Certiorari and the certiorari being a high prerogative writ and should not be issued on mere asking. He relied upon the judgment passed by the Hon'ble Supreme Court in

Central Council for Research in Ayurvedic Sciences v. Bikartan

Das⁹, wherein it is held as under:

"58.....a writ of certiorari could be issued if an error of law is apparent on the face of the record. To attract the writ of certiorari, a mere error of law is not sufficient. It must be one which is manifest or patent on the face of the record. Mere formal or technical errors, even of law, are not sufficient, so as to attract a writ of certiorari. As reminded by this Court time and again, this concept is indefinite and cannot be defined precisely or exhaustively and so it has to be determined judiciously on the facts of each case. The concept, according to this Court in *K.M. Shanmugam v. S.R.V.S. (P) Ltd., 1963 SCC OnLine SC 25*, "is comprised of many imponderables..... it is not capable of precise definition, as no objective criterion could be laid down, the apparent nature of the error, to a large extent, being dependent upon the subjective element." A general test to apply, however, is that no error could be said to be apparent on the face of the record if it is not "self-evident" or "manifest". If it requires an examination or argument to establish it, if it has to be established by a long-drawn out process of reasoning, or lengthy or complicated arguments on points where there may considerably be two opinions, then such an error would cease to be an error of law.

63. Thus, from the various decisions referred to above, we have no hesitation in reaching to the conclusion that a writ of certiorari is a high prerogative writ and should not be issued on mere asking. For the issue of a writ of certiorari, the party concerned has to make out a definite case for the same and is not a matter of course. To put it pithily, certiorari shall issue to correct errors of jurisdiction, that is to say, absence, excess or failure to exercise and also when in the exercise of undoubted jurisdiction, there has been illegality. It shall also issue to correct an error in the decision or determination itself, if it is an error manifest on the face of the proceedings. By its exercise, only a patent error can be corrected but not also a wrong decision. It

⁹ (2023) 16 SCC 462

should be well remembered at the cost of repetition that certiorari is not appellate but only supervisory.

64. A writ of certiorari, being a high prerogative writ, is issued by a superior court in respect of the exercise of judicial or quasi-judicial functions by another authority when the contention is that the exercising authority had no jurisdiction or exceeded the jurisdiction. It cannot be denied that the tribunals or the authorities concerned in this batch of appeals had the jurisdiction to deal with the matter. However, the argument would be that the tribunals had acted arbitrarily and illegally and that they had failed to give proper findings on the facts and circumstances of the case. We may only say that while adjudicating a writ application for a writ of certiorari, the court is not sitting as a court of appeal against the order of the tribunals to test the legality thereof with a view to reach a different conclusion. If there is any evidence, the court will not examine whether the right conclusion is drawn from it or not. It is a well-established principle of law that a writ of certiorari will not lie where the order or decision of a tribunal or authority is wrong in matter of facts or on merits. (See: *R. v. Nat Bell Liquors Ltd.*, (1922) 2 AC 128 (PC))”

59. This Court had also the occasion to rely on a judgment passed by the Constitutional Bench of the Hon’ble Apex Court in ***Hari Vishnu Kamath vs Syed Ahmad Ishaque***¹⁰, in which the Hon’ble Apex Court had elaborately discussed the power of High Courts while granting Writ of Certiorari, the relevant paragraphs are extracted hereunder:

“24.3. The court issuing a writ of certiorari acts in exercise of a supervisory and not appellate jurisdiction. One consequence of this is that the Court will not review

¹⁰ (1954) 2 SCC 881

findings of fact reached by the inferior court or tribunal, even if they be erroneous. This is on the principle that a court which has jurisdiction over a subject-matter has jurisdiction to decide wrong as well as right, and when the legislature does not choose to confer a right of appeal against that decision, it would be defeating its purpose and policy, if a superior court were to rehear the case on the evidence and substitute its own findings in certiorari. These propositions are well settled and are not in dispute.

28. It may therefore be taken as settled that a writ of certiorari could be issued to correct an error of law. But it is essential that it should be something more than a mere error; it must be one which must be manifest on the face of the record. The real difficulty with reference to this matter, however, is not so much in the statement of the principle as in its application to the facts of a particular case. When does an error cease to be mere error, and become an error apparent on the face of the record? The learned counsel on either side were unable to suggest any clear-cut rule by which the boundary between the two classes of errors could be demarcated. Mr Pathak for the first respondent contended on the strength of certain observations of Chagla, C.J. in *Batuk K. Vyas v. Surat Borough Municipality*, 1952 SCC OnLine Bom 46, that no error could be said to be apparent on the face of the record if it was not self-evident, and if it required an examination or argument to establish it. This test might afford a satisfactory basis for decision in the majority of cases. But there must be cases in which even this test might break down, because judicial opinions also differ, and an error that might be considered by one Judge as self-evident might not be so considered by another. The fact is that what is an error apparent on the face of the record cannot be defined precisely or exhaustively, there being an element of indefiniteness inherent in its very nature, and it must be left to be determined judicially on the facts of each case.” (Emphasis supplied)

60. This Court has carefully examined the judgment referred above and will now consider, if any ground is made out by the writ petitioners warranting interference of this Court as against the impugned order. The undisputed fact remains that the predecessors of the unofficial respondents are ryots and the land is zeroity. Their names are recorded in the Settlement Fair Adangal and other related records. They were in continuous possession and enjoyment of the property prior to the cut off date 01.07.1945, which is also evident from the various proceedings filed before this Court and discussed elaborately by the Revisional Authority in the impugned order. The Revisional Authority in the impugned order categorically discussed about the nature of the subject land, possession of the subject land, records of pre and post abolition, all the above findings are matter of record and cannot be disputed.

61. After elaborate discussion, this Court is of the opinion that the writ petitioners could not make out any case that warrants interference of this Court, more particularly, a Writ of Certiorari which, as held by the Hon'ble Supreme Court, cannot be issued on mere asking.

62. In view of the above settled position of law and upon discussion of the grounds and consideration of the issues framed in

the writ petitions, the revisional order dated 21.12.2017 passed by the Revisional Authority does not warrant any interference, as the writ petitioners did not make out any substantive ground for issuance of Writ of Certiorari, as such, both the Writ Petitions are devoid of merits and liable to be dismissed.

63. Accordingly, both the Writ Petitions are dismissed. No order as to costs.

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

JUSTICE SUMATHI JAGADAM

31st July, 2026

Note: L.R. copy be marked.
(b/o)
cbs

Whether the order is:

Speaking	--	Reasoned	√
Reportable	√	Non-Reportable	--

THE HON'BLE SMT. JUSTICE SUMATHI JAGADAM

Writ Petition Nos.5306 and 11889 of 2018

31st July, 2026

cbs

*THE HONOURABLE SMT JUSTICE SUMATHI JAGADAM

+WRIT PETITION Nos. 5306 and 11889 of 2018

WRIT PETITION No.5306 of 2018

31-07-2026

Between:

Greater Visakhapatnam Municipal
Corporation, rep., by its
Commissioner, Visakhapatnam,
Visakhapatnam District.

... Petitioner

AND

1. The State of Andhra Pradesh,
Rep. by its Special Chief Secretary,
Revenue Department Secretariat,
Velagapudi, Guntur, Guntur District,
and others

... Respondents

<GIST:

>HEAD NOTE:

! Counsel for petitioner

: Sri A.S.C.Bose

^ Counsel for respondents 1 to 4

: The Government Pleader for
Revenue

^ Counsel for respondents 5 to 25

: M/s.Pillix Law Firm

? CASES REFERRED :

- 1) (2004) 8 SCC 706
- 2) (2019) 4 SCC 500
- 3) AIR 1972 AP 1 (FB)
- 4) (1969) 2 SCC 187
- 5) (2017) 2 SCC 69
- 6) 2010 WLR 356
- 7) (2003) 3 SCC 472
- 8) AIR 1963 SC 1503
- 9) (2023) 16 SCC 462
- 10) (1954) 2 SCC 881

HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

WRIT PETITION Nos. 5306 and 11889 of 2018

WRIT PETITION No.5306 of 2018

Between:

Greater Visakhapatnam Municipal Corporation, rep., by its Commissioner, Visakhapatnam, Visakhapatnam District.

... Petitioner

AND

1. The State of Andhra Pradesh, Rep. by its Special Chief Secretary, Revenue Department Secretariat, Velagapudi, Guntur, Guntur District, and others

... Respondents

DATE OF JUDGMENT PRONOUNCED : 31.07.2026

SUBMITTED FOR APPROVAL:

THE HONOURABLE SMT. JUSTICE SUMATHI JAGADAM

- | | |
|---|--------|
| 1. Whether Reporters of Local newspapers may be allowed to see the Judgments? | Yes/No |
| 2. Whether the copies of judgment may be marked to Law Reporters/Journals? | Yes/No |
| 3. Whether Their Ladyship/Lordship wish to see the fair copy of the Judgment? | Yes/No |

SUMATHI JAGADAM, J