



**HIGH COURT OF ANDHRA PRADESH**  
THURSDAY ,THE NINTH DAY OF DECEMBER  
TWO THOUSAND AND TWENTY ONE

**PRSENT**

**THE HONOURABLE SRI JUSTICE AHSANUDDIN AMANULLAH**

**THE HONOURABLE DR JUSTICE K MANMADHA RAO**

**WRIT APPEAL NO: 613 OF 2021**

**Between:**

1. Gali Sudarshan Naidu S/o. Late Ramanatham Naidu  
Aged 59 years, Occ- Cultivation  
Rio Kobaka Village, YerpeduMandal  
Chittoor District, Andhra Pradesh.

**...PETITIONER(S)**

**AND:**

1. State of Andhra Pradesh Rep by its Principal Secretary  
Revenue Department, AP Secretariat, Velagapudi, Amaravathi, Guntur  
District
2. The Tahsildar, YerpeduMandal, Chittoor District.
3. Gali Gunasekhar Naidu, S/o late. Ramanatham Naidu,  
Aged 50 yrs, cultivation  
R/o Kobaka Village, Yerpedu Mandal,  
Chittoor District.

**...RESPONDENTS**

**Counsel for the Petitioner(s): M/S INDUS LAW FIRM**

**Counsel for the Respondents: GP FOR REVENUE**

**The Court made the following: ORDER**



**HIGH COURT OF ANDHRA PRADESH AT AMARAVATI**

**HON'BLE Mr. JUSTICE AHSANUDDIN AMANULLAH  
AND**

**HON'BLE Dr. JUSTICE K. MANMADHA RAO**

**WRIT APPEAL No.613 OF 2021**

Gali Sudarshan Naidu  
S/o. Late Ramanatham Naidu  
Aged 59 years, Occ: Cultivation,  
R/o. Kobaka Village, Yerpedu Mandal.  
Chittoor District,  
Andhra Pradesh.

... Appellant/  
Writ Petitioner

Versus

1. State of Andhra Pradesh  
Rep. by its Principal Secretary,  
Revenue Department, A.P. Secretariat,  
Velagapudi, Amaravathi, Guntur District.
2. The Tahsildar,  
Yerpedu Mandal, Chittoor District.
3. Gali Gunasekhar Naidu,  
S/o. late Ramanatham Naidu,  
Aged 50 years, Cultivation,  
R/o. Kobaka Village,  
Yerpedu Mandal, Chittoor District.

... Respondents

Counsel for the Appellant : Mr. Ravi Cheemalapati,  
Advocate

Counsel for the respondents : Mr. Koutilya, Advocate

Mr. V. Jagapathi, Advocate

Mr. G. L. Nageswara Rao  
G. P., Revenue.

**ORAL JUDGMENT**

**Date: 09.12.2021**

*(Per Hon'ble Mr. Justice Ahsanuddin Amanullah)*

Heard Mr. Ravi Cheemalapati, learned counsel for the  
appellant representing M/s. Indus Law Firm; Mr. K. Koutilya,



learned counsel representing Mr. V. Jagapathi, learned counsel for respondent no.3 and Mr. G. L. Nageswara Rao, learned Government Pleader, Revenue, for respondents no.1 and 2.

2. The present appeal is directed against the judgment and order dated 16.09.2021 passed by the learned Single Judge in W.P.No.46203 of 2018, by which, the same has been dismissed.

3. Learned counsel for the appellant submitted that the dispute relates to land which is claimed both by the appellant and respondent no.3, who are full brothers. It was submitted that the appellant claimed the land through inheritance being ancestral property whereas the respondent no.3 claims it on the basis of a Will. Learned counsel submitted that this fight between the appellant and respondent no.3 came up before the High Court a number of times earlier and ultimately the matter was remanded to respondent no.2 to decide the claim for recording the name of the parties with regard to the land in question in the revenue records, where it was directed that the authorities shall take a decision in the matter after following due procedure of law. It was submitted that in terms thereof, respondent no.2 had issued notice in Roc.No.1/2018, dated 11.10.2018 to the appellant with regard to the land situated in Sy.No. 5/3 to an extent of Ac. 1.30 cents and Sy.No. 7/3 to an extent of Ac. 0.30 cents. It was submitted that the appellant appeared and filed his objections as the said notice was on the application made by respondent no.3 for entering his name in the revenue records with regard to the aforesaid land.

4. However, it was submitted, that by order dated 07.12.2018, the respondent no.2, deciding the issue with regard



to Sy.No. 5/3 and Sy.No.7/3, has also ordered for entering the name of respondent no.3 with regard to the properties situated in Yerpedu (Amandur) and Kobaka Villages which were not part of notice issued to the appellant by respondent no.2.

5. Learned counsel submitted that the same was a patent illegality as the decision to enter the name of respondent no.3 was with regard to the lands for which no notice had been issued by respondent no.2. Learned counsel submitted that even in the judgment and order under appeal, the learned Single Judge has clearly held that there was grave illegality committed by respondent no.2 and such order could not be passed with regard to the lands which are not part of notice dated 11.10.2018, but on the ground that the appellant had suppressed the fact that he had appeared before respondent no.2 before order dated 7.12.2018 was passed, the writ petition has been dismissed. Learned counsel submitted that the same was not deliberate suppression of fact by the appellant for the reason that notice related to the land against which the appellant had not filed writ petition and rather with regard to those lands which though not forming part of the notice had been ordered to be recorded in the name of the respondent no.3. Thus, learned counsel submitted that the appellant was under *bona fide* impression that as the said notice against which he had filed objections did not relate to the land for which the writ petition was filed, the same was not required to be mentioned, and under such circumstances, the said fact was not incorporated in the writ affidavit.

6. Learned counsel submitted that in the writ petition, though the order impugned was a composite order, which related



to the lands, which were included in the notice, the challenge was not to the decision taken with regard to those lands, but restricted with regard to only the lands falling in the villages of Yerpedu and Kobaka.

7. Learned counsel submitted that subsequently, the appellant has also moved before the Revenue Divisional Officer, Tirupati Division, Chittoor District in ROR Appeal No. E/940/2021 against the order which was impugned in the writ petition, but the same was on account of abundant caution so as to protect his right and not be unsuited, if for any reason, the writ petitioner did not succeed. Learned counsel submitted that respondent no.3 has subsequently filed a partition suit in which the land in question was included, which is still pending.

8. Learned counsel for the respondent no.3 submitted that the appellant was moving various forums for the same cause of action and had not disclosed such fact in the writ proceeding and rightly the writ petition has been dismissed on this ground. However, on a specific query of the Court with regard to how an order with regard to the lands for which no show cause notice had been issued to the appellant could have been passed by respondent no.2, learned counsel could not give any reply. It was pointed out that the appeal ROR Appeal No.E/940/2021 filed by the appellant against the order impugned in the writ petition has also been dismissed, though on the ground of suppression of fact, on 01.11.2021.

9. Having considered the facts and circumstances of the case and the submissions of learned counsel for the parties, the Court finds that the order which was impugned in the writ



petition passed by respondent no.2 cannot be sustained as has also been held by the learned Single Judge. However, the writ petition having been dismissed on the ground of suppression of facts, needs interference as we do not find that the same was deliberate and there is a valid explanation for not having mentioned such fact in the writ petition for the reason that the challenge was only with regard to part of the order of respondent no.2 by which the lands for which no notice has been issued, had also been directed to be recorded in the name of respondent no.3, and not with regard to the decision/order of respondent no.2 with regard to the lands for which notice has been issued.

10. Accordingly, the proceedings in Roc.No.1/2018 dated 07.12.2018 issued by respondent no.2 is hereby set aside as far as it relates to the lands falling in Yerpedu and Kobaka villages and the judgment and order dated 16.09.2021 passed by learned Single Judge in W.P.No.46203 of 2018 stands set aside.

11. The Writ Appeal is allowed. No order as to costs.

12. The Court would observe that the issue is left open for being decided by the appropriate Forum/Court, in accordance with law, and further that the Court has not expressed any opinion with regard to the merits of the case.

13. Miscellaneous petitions, if any pending, also stand disposed of.

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**(AHSANUDDIN AMANULLAH, J)**

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**(Dr. K. MANMADHA RAO, J)**

*Gvl*



**HON'BLE Mr. JUSTICE AHSANUDDIN AMANULLAH  
AND  
HON'BLE Dr. JUSTICE K. MANMADHA RAO**

**WRIT APPEAL No.613 OF 2021**

*Date : 09-12-2021*

*Gvl*