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APHC010271992026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI [3624]
(Special Original Jurisdiction)

TUESDAY, THE 13TH DAY OF OCTOBER, 2026

PRESENT

THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI

&

THE HONOURABLE SRI JUSTICE ALAPATI GIRIDHAR

WRIT APPEAL NO: 737/2026

Between:

1. SRI KALIDINDI RAMA KRISHNA RAJU, S/O LATE SRI KALIDINDI SUBBARAJU, AGE 69 YEARS, OCC RETD. CAO, CITY CIVIL COURT, HYDERABAD, R/O H.NO. 2-4-1033/5, FLAT NO.201, PLOT NO.1, ROAD NO.1, ROYAL RESIDENCY APARTMENT, NEW SAMATHAPURI COLONY, NEW NAGOLE, R.R.DIST. HYDERABAD - 500102.

...APPELLANT

AND

1. THE STATE OF ANDHRA PRADESH, REP BY PRINCIPAL SECRETARY, REVENUE DEPARTMENT, SECRETARIAT, AMARAVATI, VELAGAPUDI, GUNTUR DISTRICT, ANDHRA PRADESH
2. THE DISTRICT COLLECTOR, VISAKHAPATNAM DISTRICT, ANDHRA PRADESH
3. THE SUBCOLLECTOR, PADERU, VISAKHAPATNAM DIST. ANDHRA PRADESH.

4. THE PROJECT OFFICER, INTEGRATED TRIBAL DEVELOPMENT AGENCY (ITDA), PADERU, VISAKHAPATNAM DIST. ANDHRA PRADESH.
5. THE TAHSILDAR, ARAKU VALLEY TOWNSHIP, ARAKU VALLEY MANDAL, VISAKHAPATNAM DIST. ANDHRA PRADESH.
6. THE PANCHAYAT SECRETARY, PEDALABUDU GRAMA PANCHAYAT, ARAKU VALLEY TOWNSHIP, VISAKHAPATNAM DIST. ANDHRA PRADESH.

...RESPONDENT(S):

Counsel for the Appellant:

1. P V RAJENDRA PRASAD

Counsel for the Respondent(S):

1. GP FOR ASSIGNMENT
2. Y KOTESWARA RAO
3. GP FOR SOCIAL WELFARE

The Court made the following JUDGMENT:

(per Hon'ble Sri Justice Alapati Giridhar)

1. The Writ Appeal is filed by the Writ Petitioner, aggrieved by the Order of the learned Single Judge dated 29.12.2025 in W.P. No.40529 of 2018, wherein the Writ of Mandamus, to direct the Respondents to deliver possession of two house Plots, was dismissed.

I. BRIEF CONTENTIONS:

2. The learned counsel for the Appellant submits that Late Sri P. Satyanarayana Raju and Smt. K. Bhimeswari, who are the grandfather and mother of the Petitioner respectively, purchased two plots/A-54 and A-55 in Araku Valley Township, Araku Valley in the year 1955. The grandfather of the Petitioner, namely, Sri P. Satyanarayana Raju, raised thatched houses in the said Plots and resided there for a short period. He died on 06.03.1980 and his mother/Smt. K. Bhimeswari died on 28.05.1997. It is contended that the State illegally grabbed the Petitioner's land, without following any land acquisition proceedings and without payment of any compensation. Thus, his right under Article 300-A of the Constitution of India has been infringed. The learned Single Judge dismissed the Writ Petition without examining all these facts. It is further contended that the State cannot become an encroacher and that the plots are covered by the outright sale in the layout of Araku Valley Township and they shall be directed to be delivered to the Petitioner and prays to allow the Appeal.

3. The learned counsel for the 4th Respondent submits that a Tribal Museum had already been established in the year 1996, subsequently a shopping complex was also constructed in a portion thereof. The Writ Petitioner suppressed various developments and construction of various Offices in that place, and later the State introduced the Andhra Pradesh Scheduled Areas Land Transfer Regulation, 1959 to protect the rights of the Tribals, now it is not possible to deliver the land for non-tribals in Araku Valley and prays to dismiss the Appeal.

4. The learned counsel for Respondents Nos.1 to 3 and 5 submits that as per the Report of the Sub-Collector, Paderu, the said Sri P. Satyanarayana Raju and Smt. Bhimeswari did not execute the agreement and did not utilize the plots by raising constructions within the stipulated period of 24 months. It is further submitted that various developmental activities have taken place in Araku Valley over the years and various public facilities including the Tahsildar's Office, Collector's Camp Office, APSRTC Bus Station, Resorts by APTD and Tribal Museum, have been constructed. And that the Writ Petition was instituted after nearly six decades from the alleged allotment and involves serious and disputed questions of fact, which cannot be adjudicated in proceedings under Article 226 of the Constitution of India, and finally prayed to dismiss the Appeal.

II. BRIEF FACTS:

5. The case of the Writ Petitioner is that he is the sole legal heir of Sri P Satyanarayana Raju and Smt. K. Rajeswari, who are his grand father and mother and who died on 06.03.1980 and 28.05.1997, that they purchased house sites in Plot No.A-54 and A-55 in the layout formed by the Government of Madras in the Araku Valley Township, the then Special Deputy Tahsildar, Araku Valley Township has issued Patta allotment letters dated 10.09.1955 and called upon them/allottees to pay Rs.130/- towards cost of the site, amenities and cost of survey stones. The said amount was duly paid by them by the letter dated 08.08.1958, Plot No.A-55 is reduced to 1917 Sq yards from 2000 Sq Yards, the excess payment be refunded. Though they/allottees have signed agreements along with building plans for construction of houses in the Plots and submitted to the then Block Development Officer, Araku Valley through Registered Post 25.08.1958 but there was no response. That they raised thatched houses in the Plots, resided in the houses for a short period, thereafter owing to their ailments, they shifted to Visakhapatnam. That the Petitioner has no occasion to stay in the houses, due to his employment in City Civil Courts, Hyderabad, he could not identify the Plots and he submitted representations seeking for possession of the Plots, the 5th Respondent issued endorsement that several changes had taken place in the Araku Valley over the past 55 years, a survey was conducted, the plots were found to be in possession of ITDA Tribal Museum. That the Petitioner made a detailed representation dated 19.01.2018 requesting to handover the Plots, submitted

another representation dated 24.02.2018, also got issued a legal notice dated 04.06.2018, he received a communication dated 20.07.2018 stating that the Layout was prior to introduction of A.P Scheduled Areas Land Transfer Regulation, 1959 and in view of the legislation, it was not possible to allot any land in the agency area to non-tribals, they/allottees failed to pay the requisite amount, execute the documents and take possession of the Plots. Thus, he filed the Writ for the following reliefs:

> "……to issue WRIT or ORDER particularly in the nature of MANDAMUS directing all the Respondents 1 to 6 to deliver the vacant peaceful and physical possession of the petitioner above said two House Site Plots Nos.A-54 (admeasuring 2000 Sq. Yards) and A-55 (admeasuring 1917 Sq. Yards) (changed numbers A-52 and A-53) in the Lay-Out of ARAKU VALLEY TOWNSHIP Lay-Out, Araku Valley Mandal, Visakhapatnam District, Andhra Pradesh State as was identified by the Licensed Surveyor No.16 during survey in the presence of Sub-Collector, Paderu, Tahsildar of Araku Valley Township, Mandal Revenue Inspector and Village Revenue Officer of Araku Valley Township according to the Surveyor's report dated 22.12.2017 by declaring all the Respondents' inaction in not delivering the vacant peaceful and physical possession of the petitioner above said Two House-Site Plots Nos.A-54 (admeasuring 2000 Sq. Yards) and A-55 (admeasuring 1917 Sq. Yards) (changed numbers A-52 and A-53) in the Lay-Out of ARAKU VALLEY TOWNSHIP Lay-Out, Araku Valley Mandal, Visakhapatnam District (inspite of his repeated representations and SURVEYOR'S Report dt.22-12-2017and inspite of the receipt of the cost of land and for Amenities and inspite of the receipt of arrears of Taxes from 1955 till 1976 received by the Respondents) is illegal and arbitrary and may pass such other or further necessary order or orders as this Honourable Court may deem fit and proper in the interest of justice and in the circumstances of the case."

III. ANALYSIS:

6. We have considered the submissions of the learned Counsels for the parties and perused the material on record. The Order reveals that the

learned single judge observed, *inter alia* on disputed questions of fact, delay in filing the Writ and dismissed the Writ observing the following reasons.

7. The learned Single Judge held that, as per the Writ Petitioner, the foundation for the shopping complex was laid on 21.01.2018. But as per the Official Respondents Nos.1 to 5, the Tribal Museum was established on 20.03.1996 as per Ex.P.13 in that site and the Writ involves adjudication of disputed questions of fact, which cannot be undertaken in a Writ under Article 226 of the Constitution of India.

8. As per the Respondents Nos.1 to 3 and 5, the Report of the Sub-Collector, Paderu, the said Sri P. Satyanarayana Raju and Smt. Bhimeshwari did not execute the agreement and the plots were not utilized them by raising constructions as per the conditions within a period of 24 months. And that there have been various developmental activities including construction of the Tahsildar's Office, Collector's Camp Office, APSRTC Bus Station, Resorts by APTD, Tribal Museum, the Writ is filed after 60 years of the alleged allotment and these disputed points cannot be decided in Writ Petition. These submissions of Respondents Nos.1 to 3 and 5 are not even disputed by the Appellant.

9. The learned Single Judge also observed that, as per the communication dated 14.04.1976/Ex.P.8 stated to have been addressed by the Writ Petitioner's maternal grandfather, it was mentioned that he was preparing to construct a house as per the plans to be approved by the Town

Planning Director, Hyderabad. That the learned counsel for the Writ Petitioner submitted that, as the approval of the plans was not received and the construction was not taken up. Whereas the case of the Respondents Nos.1 to 3 and 5 is that as per the Report of the Sub-Collector, Paderu, the allottees did not execute the agreement and the plots were not utilized by them by raising constructions as per the conditions within a period of 24 months.

10. The learned Single Judge rightly held that the Writ Petition involves disputed questions of fact and, therefore, no relief can be granted under Article 226 of the Constitution of India.

11. The law is well settled that the High Court, exercising its extraordinary writ jurisdiction under Article 226 of the Constitution of India, does not adjudicate hotly disputed questions of facts *(see* ***Shubhas Jain vs. Rajeshwari Shivam and Others***[1]*)*

12. Consequently, we are of the view that the observation of the learned single Judge that disputed questions of fact cannot be decided under Article 226 of Constitution of India, warrants no interference.

13. The learned Single Judge also observed that the Writ Petitioner had addressed a letter on 08.10.2007/Ex.P.10, but he had not given any reason as to why he kept quiet for all these years till 2017, though his case is that he acquired rights in the said plots upon the death of his grandfather on 06.03.1980 and the death of his mother on 28.05.1987 and there are many

[1] (2021) 20 SCC 454

missing threads with regard to the right of the Petitioner over the plots in question.

14. The learned Single Judge also observed that neither the Writ Petitioner's grandfather nor his mother pursued any legal remedies for construction of the building as per the terms. Even assuming the representation dated 16.10.2017, the Petitioner do not aware of the subject plots till the date of death of his mother, i.e., 28.05.1997. The learned Single Judge also observed that the Petitioner kept quiet without initiating any action for all these years though the Petitioner is working in the Civil Court and he is neither an illiterate person nor a poor farmer.

15. The **Hon'ble Supreme Court of India** in ***Mrinmoy Maity vs. Chhanda Koley and others***[2], relying on *Tridip Kumar Dingal and others v. State of W.B and others.,* (2009) 1 SCC 768 and *Karnataka Power Corporation Ltd. and another v. K. Thangappan and another*, (2006) 4 SCC 322, held the delay and *laches* on the part of the applicant in approaching a writ court, is one of the grounds for refusing reliefs under Article 32 or 226 of the Constitution. That the High Court may refuse to exercise extraordinary jurisdiction if there is negligence or omissions on the part of the applicant to assert his right.

[2] (2024) 15 SCC 215

16. The learned single judge also held that the Petitioner sought only delivery of possession and not compensation and held that the Petitioner was not entitled to the relief sought in the Writ and dismissed the Writ Petition.

17. The learned Single Judge rightly held on the delay in approaching the Writ Court, further the Appellant/Writ Petitioner could not explain the delay.

18. The Appellant could not demonstrate any ground to warrant interference in the findings of the learned single judge. Thus, the appeal is liable to be dismissed.

19. The Writ Appeal is dismissed. There is no order as to costs in the circumstances of the case.

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

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RAVI NATH TILHARI, J

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ALAPATI GIRIDHAR, J

Dt: 13.10.2026
JKS

THE HON'BLE SRI JUSTICE RAVI NATH TILHARI

&

THE HONOURABLE SRI JUSTICE ALAPATI GIRIDHAR

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JKS