APHC010366802007

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI

THURSDAY,THE SEVENTH DAY OF MAY
TWO THOUSAND AND TWENTY SIX

PRESENT

HONOURABLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY
AND
HONOURABLE SRI JUSTICE TUHIN KUMAR GEDELA

Writ Appeal Nos.912 of 2007 and 1038 of 2012

WRIT APPEAL NO: 912 OF 2007

Writ Appeal under clause 15 of the Letters Patent against the order dated 10-8-2007 made in WP No. 18968 of 1998

Between:

1. Sanapathi Appalanaidu S/o Simhachalam AT Latchanna, Agricultur.

2. Sanapathi Appanna S/o Kannaiah, agriculture, Both are R/o at Mantripalem Village, Pedamushidivada Post, Parawada Mandal, Visakhapatnam District.

3. Being rep by their power of attorney Holders, Vaddadi Venkata Rao S/o V. Sanyasi Employee. E

4. Korukonda Venkata Ramana S/o Appalanaidu, Private Service, Both are Residing at madakapalem Village, Pedamushidivada Post, Parawada Mandal, Visakhapatnam District.

...Petitioners

AND

1. The Mandal Revenue Officer Parawda Mnadal, Visakhaptnam District.

2. Pakki Rajarama Mohan Roydied, Visakhaptnam District.

3. Pakki Vimala W/o P Raja Rammohan Roy, R/o Mantripalem (V), Parawada mandal, Visakhapatnam Distict.

4. Dabbiru Srinivasa Rao S/o Late peddaiah R/o Mantripalem V, Parawada Mandal, Visakhapatnam District.

5. Dabbiru Lakshminarayana S/o late Peddaiah, R/o Mantripalem (V), Parawada Mandal, Visakhaptnam District.

6. The District Judge Visakhapatnam, R/o Mantripalem (V), Parawada Mandal, Visakhaptnam District.

7. Mantri Sobha D/o Pakki Rajaram Mohan Roy, C/o. D. No. 10-5-7, Ramnagar, Opp Indira Vidya Niketan, Visakhapatnam-021.

8. Dabeeru Pratibha D/o Pakki Rajaram Mohan Roy, C/o. D. No. 10-5-7, Ramnagar, Opp Indira Vidya Niketan, Visakhapatnam-021.

9. Pakki Ashok S/o Pakki Rajaram Mohan Roy, C/o. D. No. 10-5-7, Ramnagar, Opp Indira Vidya Niketan, Visakhapatnam-021.

10. Pakki Geeta D/o Pakki Rajaram Mohan Roy, C/o. D. No. 10-5-7, Ramnagar, Opp Indira Vidya Niketan, Visakhapatnam-021.

11. Pakki Kishore S/o Pakki Rajaram Mohan Roy, C/o. D. No. 10-5-7, Ramnagar, Opp Indira Vidya Niketan, Visakhapatnam-021.

12. Pakki Sunitha S/o Pakki Rajaram Mohan Roy, C/o. D. No. 10-5-7, Ramnagar, Opp Indira Vidya Niketan, Visakhapatnam-021.

13. M Satyanarayana, C/o. D. No. 10-5-7, Ramnagar, Opp Indira Vidya Niketan, Visakhapatnam-021.

14. M Nageswara Rao, C/o. D. No. 10-5-7, Ramnagar, Opp Indira Vidya Niketan, Visakhapatnam-021.

...Respondents

IA NO: 1 OF 2007(WAMP 1833 OF 2007

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 directthe unofficial Respondents notto alienate the subject matter of the land

inan extent of Ac. 20-00 covered by Patta No. 7 in R.S. No. 267 situated at Mantripalem Village, Parawada Mndal, Visakhapatnam District pending the above Appeal before this Hon'ble Court and pass such otehr or orders as this Hon'ble Court may deem fit and proper inthe interest of justice andin the circumstancesof the case.

IA NO: 1 OF 2008(WAMP 2192 OF 2008

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 condone the delay of (108) days in filing the above Review petition against the Order dt. 4-2-2008 in WA No. 912 of 2007 and pass such other order or orders

IA NO: 2 OF 2008(WAMP 103343 OF 2008

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

IA NO: 1 OF 2009(WAMP 764 OF 2009

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 Review the order dated 4-2-2008 passed in WA No 912 of 2007 and pass

Counsel for the Petitioners: Notice To Petitioner,6666/THE ADVOCATE GENERAL

Counsel for the Respondents: 879/P VENUGOPAL Counsel for the Respondents:1265/A RANGACHARYULU Counsel for the Respondents:GP FOR REVENUE Counsel for the Respondents:8160/N V ANANTHA KRISHNA Counsel for the Respondents:1356/K V SUBRAHMANYA NARUSU Counsel for the Respondents:9955/G V SRAVAN KUMAR

APHC010389912012

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI

THURSDAY,THE SEVENTH DAY OF MAY
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY

THE HONOURABLE SRI JUSTICE TUHIN KUMAR GEDELA

WRIT APPEAL NO: 1038 OF 2012

Writ Appeal under clause 15 of the Letters Patent against the order dated 10-8-2007 made in W.P.NO.18968/1998

Between:

1. The Mandal Revenue Officer,, Parawada Mandal, Visakhapatnam District.

...Petitioner

AND

1. Pakki Rajarama Mohan Roy Died, Son of late Bhimarao R/o Mantripalem (v), Parawada Mandal, Visakhapatnam District.

2. Pakki Vimala, W/o P. Raja Rammohan roy R/o Mantripalem (v), Parawada Mandal, Visakhapatnam District.

3. Dabbiru Srinivasarao, Son of late Peddaiah R/o Mantripalem (v), Parawada Mandal, Visakhapatnam District.

4. Dabbiru Lakshminarayana, Son of late Peddaiah R/o Mantripalem (V), Parawada Mandal, Visakhapatnam District.

5. The District Judge, Visakhapatnam.

6. Mantri Sobha, D/o. Pakki Rajaram Mohan Roy C/o. D.No. 10-5-7, Ramnagar, Opp. Indira Vidya Niketan, Visakhapatnam-021 R 6 are brought on record as LR's of the deceased 1st respo-

7. Dabeeru Pratibha, D/o. Pakki Rajaram Mohan Roy C/o. D.No. 10-5-7, Ramnagar, Opp. Indira Vidya Niketan, Visakhapatnam-021 R 7 are brought on record as LR's of the deceased 1st respo-

8. Pakki Ashok, S/o. Pakki Rajaram Mohan Roy Advocate R/o. D.No. 10-5-7, Ramnagar, Opp. Indira Vidya Niketan, Visakhapatnam-021 R 8 are brought on record as LR's of the deceased 1st respo-

9. Pakki Geeta, D/o. Pakki Rajaram Mohan Roy R/o. D.No. 10-5-7, Ramnagar, Opp. Indira Vidya Niketan, Visakhapatnam-021 R 9 are brought on record as LR's of the deceased 1st respo-

10. Pakki Kishore, S/o. Pakki Rajaram Mohan Roy R/o. D.No. 10-5-7, Ramnagar, Opp. Indira Vidya Niketan, Visakhapatnam-021 R10 are brought on record as LR's of the deceased 1st respo-

11. Pakki Sunitha, D/o. Pakki Rajaram Mohan Roy R/o. D.No. 10-5-7, Ramnagar, Opp. Indira Vidya Niketan, Visakhapatnam-021 R11 are brought on record as LR's of the deceased 1st respo-

12. M Satyanarayana, Guntur District

13. M Nageswara Rao, S/o. Bicham Goud, Agriculture, R/o. Telkapally Village and Mandal,

14. Sanapathi Appalanaidu, S/o. Simhachalam @ Latchanna.

15. Sanapathi Appanna S/o Kannaiah Both are resideing, at Mantripalem Vil., Pedamushidivada Post, Paraada Mandal, Visakhapatnam District. Being Rep by their Power of Attorney Holders, Vaddadi Venkata Rao,S/o V.Sanyasi,aged 36, Occ Employee, Korukonda Venkata Ramana,S/o. Appalanaidu,

16. Manepalli Subbalakshmi, W/o.Late Manepalli Satya Narayana, Aged about 74 years, Lankepalem Centre, 6-26/1 PAravada, Visakhapatnam Urban, Visakhapatnam.

17. Manepalli Rahul, S/o. Late Manepalli Nageswara Rao, aged about 9 years, Being minor represented by his mother, Manepalli Sailaja, W/o. Late Manepalli Nageswara Rao.

18. Manepalli Sujana, D/o. Late Manepalli Nageswara Rao, Aged 14 years, being minor represented by her mother, Manepalli Sailaja,W/o. Late Manepalli Nageswara Rao.

19. Manepalli Sailaja, W/o. Late Manepalli Nageswara Rao, Aged about 37 years, Lankelapalem Centre, 6-26/1 Paravada, Visakhapatnam Urban, Visakhapatnam. RR 16 to 19 impleaded as respondents vide orders passed in IA No. 1 of 22 in WA No. 1038 of 2012 dt. 08.07.2022.

...Respondents

IA NO: 1 OF 2008(WAMP 1655 OF 2008

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 condone the delay of 295 days in filing he writ Appeal against the order dated 10-8-2007 as amended on 5-11-2007 in W.P.No.18968 of 1998 and pass

IA NO: 2 OF 2008(WAMP 2180 OF 2008

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 on record the following legal representatives i.e. of deceased 12th respondent as Respondents Nos. 16 to 21 in the above Writ Appeal Sr.No. 85456 of 2008 and pass

IA NO: 1 OF 2012(WAMP 2128 OF 2012

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 stay the operation of the judgment dated 10.08.2007 as amended on 05.11.2007 in W.P.NO.18968 of 1998, pending disposal of the above writ Appeal

IA NO: 1 OF 2020

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 restrain the 1st Respondent and other Revenue Officials from interfering with the peaceful possession and enjoyment of the petitioners land i.e; 20 Acres of land covered by Patta No. 7, Situated at Mantripalem Village, Parwada Mandal, Visakhapatnam District, pending disposal of the above Appeal, in the interest of justice and pass

IA NO: 1 OF 2022

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 pleased to implead the proposed Respondent No.16 to 19 as party respondents in WA.NO.1038 of 2012 and to pass

Counsel for the Petitioner: THE ADVOCATE GENERAL

Counsel for the Respondents: G V SRAVAN KUMAR Counsel for the Respondents:SUDHAKARA RAO AMBATI Counsel for the Respondents:P RAMABRAHMAM Counsel for the Respondents:BOLLA VENKATA RAMA RAO Counsel for the Respondents:. Counsel for the Respondents:....

Date of Reserve	: 09-4-2026
Date of pronouncement	: 07-5-2026
Date of Upload	: 19-5-2026

The Court made the following:

Common Judgment: *(per Ch. Manavendranath Roy, J.)*

Since these two writ appeals arise out of the order dated 10-8-2007 passed by a learned single Judge of the erstwhile High Court of Andhra Pradesh at Hyderabad in W.P.No.18968 of 1998, both the writ appeals are heard together and they are being disposed of by this common judgment.

2. Heard Sri T. Vishnu Teja, learned Special Government Pleader attached to the office of the learned Advocate General appearing for the appellant in W.A.No.1038 of 2012 and Sri A. Rangacharyulu, learned counsel for the respondents.

3. There is a long chequered history relating to the lis involved in these writ appeals. Before dealing with the facts of the appeals, it is apposite to consider the chronological events that took place right from the order passed by the Settlement Officer, Visakhapatnam, till the orders are passed by the Apex Court, based on which the matters are remanded to this Court for fresh disposal, after hearing both the appellants simultaneously and to dispose of the same on merits in accordance with law.

4. The dispute involved in the writ appeals pertains to rival claims made by a person, by name Sanapathi Appalanaidu and others (hereinafter referred to as "Sanapathi people") and Pakki Raja Rammohan Roy and others (hereinafter referred to as "Pakki people") relating to a land in an extent of Ac.20.00 bearing Patta No.7 popularly known as "Pream Beedu" situate at Mantripalem Village of Parawada Mandal of Visakhapatnam District (hereinafter referred to as "subject land"). Originally, Sanapathi people filed an application under Section 56(1)(c) of the Andhra Pradesh (Andhra Area) Estates (Abolition and Conversion into Ryotwari) Act, 1948 (hereinafter referred to as "the Estates Abolition Act") to declare them as lawful ryots of the subject land against Pakki people before the Settlement Officer of Visakhapatnam. Sanapathi people claimed to be the lawful ryots of the

subject land and the Pakki people also claimed themselves to be rightful owners of the said land. Thus, there are rival claims made relating to subject land by both the Sanapathi people and the Pakki people. The said application filed by the Sanapathi people was rejected by the Settlement Officer, Visakhapatnam, by his order dated 29-7-1986. Be it noted here itself that one of the family members of Sanapathi people, who filed an application claiming to be the lawful ryots of the subject land, was examined as P.W.1 before the Settlement Officer in the enquiry conducted by him. He categorically and unequivocally admitted in his evidence that Pakki people i.e. Pakki Raja Rammohan Roy, Pakki Vimala, Dabbiru Srinivasarao and Dabbiru Lakshmi Narayana, have been in possession and enjoyment of the subject land, which is in an extent of Ac.20.00 for the last 40 years. The learned Settlement Officer also clearly stated in his order that P.W.1 has admitted that Pakki people have been in possession and enjoyment of the subject land for the last 40 years.

5. After the application filed by Sanapathi people before the Settlement Officer was rejected on 29-7-1986, Sanapathi people did not prefer any appeal against the said order. But, Pakki people preferred an appeal before the Estates Abolition Tribunal cum District Judge, Visakhapatnam, in T.A.No.12 of 1986 challenging the order of the Settlement Officer in not considering the Pakki people as the lawful ryots of the subject land even though it is admitted by P.W.1 in his evidence that they are in possession of the subject land for the last 40 years, which was also taken note of in the order by the Settlement Officer. The said appeal preferred by the Pakki people in T.A.No.12 of 1986 was allowed by the Estates Abolition Tribunal cum District Judge, Visakhapatnam and the order of the Settlement Officer, Visakhapatnam, was set aside and it is held that Pakki people are the lawful ryots of the subject land.

6. Thereafter, Pakki people filed W.P.No.7867 of 1991 before the erstwhile High Court of Andhra Pradesh at Hyderabad to implement the order

of the Estates Abolition Tribunal cum District Judge, dated 12-9-1990. But, the same was dismissed. While so, the Mandal Revenue Officer, Parawada Mandal, Visakhapatnam, filed W.P.No.18968 of 1998 before the learned single Judge challenging the judgment of the Estates Abolition Tribunal cum District Judge, Visakhapatnam, passed in T.A.No.12 of 1986, dated 12-9-1990 setting aside the order of the Settlement Officer, Visakhapatnam and declaring the Pakki people as lawful ryots of the subject land. The Sanapathi people, who did not prefer any appeal against the order of the Settlement Officer, got themselves impleaded in the writ petition filed by the Mandal Revenue Officer. The said writ petition was dismissed by the learned single Judge by an order dated 10-8-2007 confirming the judgment of the Estates Abolition Tribunal cum District Judge, Visakhapatnam, holding that the Pakki people are lawful ryots and the learned single Judge held that the order of the Estates Abolition Tribunal cum District Judge, Visakhapatnam, dated 12-9-1990, did not suffer from legal infirmity and it cannot be interfered with.

7. The Mandal Revenue Officer initially did not prefer any writ appeal against the said order of the learned single Judge. But, Sanapathi people preferred a writ appeal in W.A.No.912 of 2007 against the order of the learned single Judge. The said appeal was dismissed by an order dated 04-02-2008. Thereafter, the Mandal Revenue Officer, who did not prefer appeal against the order of the learned single Judge, preferred a review petition in Review W.A.M.P.No.764 of 2009 against the order passed in W.A.No.912 of 2007. A Division Bench of the erstwhile High Court of Andhra Pradesh at Hyderabad has dismissed the said review petition by an order dated 05-02-2009. After dismissal of the said review petition, the Mandal Revenue Officer again preferred a writ appeal against the order of the learned single Judge dated 10-8-2007 passed in W.P.No.18968 of 1998 along with an application to condone the delay of 295 days in filing the appeal. The said petition filed for condonation of delay was dismissed by this Court on the ground that the delay was not properly explained. The Mandal Revenue Officer, Parawada Mandal,

preferred two special leave petitions bearing Nos.SLP (C) 36649 and 36650/2009 against the order dated 05-02-2009 dismissing the review petition and against the order dated 20-4-2009 dismissing the delay condonation petition in preferring the writ appeal before the Apex Court.

8. The Apex Court allowed both the appeals and has set aside the order dated 05-02-2009 dismissing the review application and the order dismissing the application filed for condonation of delay and directed this Court to hear both the matters simultaneously and dispose of the same on merits in accordance with law.

9. Thereafter, the matters are listed before this Court to hear both the matters simultaneously and to dispose of the same on merits according to law as directed by the Apex Court.

10. This is how the writ appeals and the review petition came up for hearing before this Court. As noticed supra, we have heard both the learned counsel in the writ appeals and the review petition.

11. As noticed supra, while dealing with the facts of the case *in extenso*, the dispute involved in these writ appeals and the review petition pertains to a rival claim made by Sanapathi people and the Pakki people claiming themselves to be the lawful ryots of the subject land, which is in an extent of Ac.20.00 situate at Mantripalem Village. Though Sanapathi people claim to be the lawful ryots of the subject land, they miserably failed to establish that they are lawful ryots of the subject land before the Settlement Officer in an application filed by them under Section 56(1)(c) of the Estates Abolition Act, 1948 against the Pakki people by adducing any valid legal evidence to that effect. On the other hand, P.W.1, who was examined on behalf of the Sanapathi people in the enquiry held by the Settlement Officer, categorically and unequivocally admitted in his evidence that Pakki people i.e. Pakki Raja Rammohan Roy and others have been in possession of the subject land for

the last 40 years. The said fact was also clearly mentioned by the learned Settlement Officer in his order dated 12-9-1990. Yet, he has not held that Pakki people are the lawful ryots in respect of the subject land even though it has clearly come in the evidence of P.W.1 that they are in possession of the subject land for a long time for the last 40 years. It is well settled law that after the estates are abolished under the Estates Abolition Act (Act 26 of 1948), the person who is found to be in possession of the land in question and cultivating the same is entitled to be declared as lawful ryot and for grant of ryotwari patta in respect of the said land. But, the learned Settlement Officer has completely ignored the said legal position and even though he has rightly rejected the claim of the Sanapathi people that they are the lawful ryots of the subject land, he committed a grave error in not considering the Pakki people who are found to be in possession of the subject land for the last several years and as on the date of abolition of the estates as lawful ryots of the land. It is important to note here that Sanapathi people, who lost their claim before the Settlement Officer, were not aggrieved by the order of the Settlement Officer and they did not prefer any appeal against the order of the Settlement Officer. It is the Pakki people who preferred appeal against the order of the Settlement Officer to the Estates Abolition Tribunal (constituted under the Act 26 of 1948) cum District Judge, Visakhapatnam, in T.A.No.12 of 2006. The Estates Abolition Tribunal cum District Judge, after considering the evidence on record and on proper appreciation of the same, found that the Pakki people have been in possession of the subject land for the last several years and that they are the lawful ryots of the subject land. Therefore, the Estates Abolition Tribunal cum District Judge has rightly set aside the order dated 29-7-1986 of the learned Settlement Officer and held that Pakki people are the lawful ryots of the subject land. The Sanapathi people even initially did not challenge the order of the Estates Abolition Tribunal cum District Judge. But, the Mandal Revenue Officer, Parawada Mandal, has preferred a writ petition in W.P.No.18968 of 1998 challenging the order of the Estates Abolition Tribunal cum District Judge, Visakhapatnam, dated 12-9-1990 passed in T.A.No.12 of

1986. In the said writ petition, the Sanapathi people got themselves impleaded as party respondents. After hearing both the parties, the learned single Judge has dismissed the writ petition and confirmed the order of the Estates Abolition Tribunal cum District Judge holding that the Pakki people are the lawful ryots of the subject land. The learned single Judge in his order dated 10-8-2007 also clearly held that in the order passed by the Settlement Officer, it is clearly stated that P.W.1 i.e., the 14th respondent in the writ petition was examined on behalf of the Sanapathi people and he categorically admitted that Pakki people have been in possession and enjoyment of the subject land for the last 40 years. The learned single Judge also rejected the contention of the respondents 14 and 15 in the writ petition that they are in possession of the subject land and held that no documentary evidence is produced to show that they were in possession of the subject land and that they paid cist or that they were issued any pattas. Further, the learned single Judge also found from the evidence on record that on the other hand, the evidence adduced by Pakki people i.e. from the evidence of R.Ws.1 to 3 and Exs.R-2 and R-3 cist receipts, Ex.R-4 Patta No.26-A, dated 15-9-1936, issued for an extent of Ac.20.00 of land by the Zamindar to Pakki Raja Rammohan Roy, who is the 1st respondent in the writ petition, amply proved that the father of the said Pakki Raja Rammohan Roy was in possession of the land in question and later in family partition, the said land fell to the share of Pakki Raja Rammohan Roy and that since then, he has been cultivating and enjoying the land by raising dry crops and other crops. Thus, the findings recorded by the learned single Judge that Sanapathi people are not found to be in possession of the subject land and Pakki people are found to be in possession of the subject land is supported by valid evidence on record, as discussed in the order of the learned single Judge.

12. The learned single Judge further held while analyzing the legal position that Section 6 of the Andhra Pradesh (Andhra Area) Estates Land Act,1908 (hereinafter referred to as “the Estates Land Act”) contemplates that

"subject to the provisions of the said Act, every ryot now in possession or who shall hereafter be admitted by a land holder to possession of ryoti land situate in an estate of such land holder shall have a permanent right of occupancy in his holding. The learned single Judge also extracted explanation 4 Clause (1) of Section 6 of the Act which postulates thus:

> "**Every landholder who receives or recovers any payment under Section 163 from any person unauthorisedly occupying ryoti land shall be deemed to have thereby admitted such person into possession unless within two years from the date of receipt of recovery of payment or the first of such payments, if more than one, he shall file a suit in a Civil Court for ejectment against such person.**"

The learned single Judge held that the said explanation is applicable to the facts of the case on hand and as the land in question is a ryoti land and initially the zamindari of the estate can be termed as land holder as he received or recovered all kinds of payments such as cist from Pakki people.

13. We do not find any legal flaw or infirmity in the impugned order of the learned single Judge. When Section 6 of the Estates Land Act mandates that every ryot who is in possession of the land or who is admitted by a land holder to possession of ryoti land situate in the estate of such land holder shall have a permanent right of occupancy in his holding, as the Pakki people are found to be in possession of the subject land for the last 40 years, they will have permanent right of occupancy in the land and as cist is also recovered from them in terms of explanation 4(1) of Section 6 of the Act extracted above, they are to be considered as lawful ryots of the subject land.

14. Sri T. Vishnu Teja, learned Special Government Pleader attached to the office of the learned Advocate General, vehemently contended that the Andhra Pradesh (Andhra Area) Estates Land Act,1908 is not applicable to the present facts of the case and the finding of the learned single Judge given to that effect based on the provisions of the said Act suffers from patent illegality and manifest error of law. It is contended by him that an Act, which is not

applicable to the facts of the case, is made applicable to declare rights of the Pakki people in the subject land. The said contention is devoid of merit.

15. The erstwhile High Court of Andhra Pradesh at Hyderabad had an occasion to deal with the said legal position in the case of ***Lingareddy Ramakrishna Reddy v. The Director of Settlements, Hyderabad***[1]. In the said judgment, a learned single Judge of the erstwhile High Court of Andhra Pradesh at Hyderabad categorically held while dealing with the provisions of the Andhra Pradesh (Andhra Area) Estates Land Act,1908 and the Andhra Pradesh (Andhra Area) Estates (Abolition and Conversion into Ryotwari) Act, 1948 that zamindari estate was abolished and taken over by the Government by virtue of the Estates Abolition Act (Act 26 of 1948) and persons holding lands enjoying transferable and heritable rights under the Estates Land Act (Act 1 of 1908) continue to enjoy the rights of ownership after abolition of estates.

16. The learned single Judge of the erstwhile High Court of Andhra Pradesh at Hyderabad further held that prior to the abolition of the Estates under the Estates Land Act, 1908, the lands were transferable and heritable under Section 10 of the Estates Land Act, 1908. The petitioners are the transferees stepped into the shoes of transferors under Section 64 of the Estates Land Act, 1908. But, during the settlements operation either the petitioners or their vendors were recognized as ryots. Under the Estates Abolition Act, 1948 every ryot who was inducted into possession of ryoti land prior to 01-7-1945 is entitled to a ryotwari patta under Section 11 of the Estates Abolition Act and names of the pattadars will be entered into 10(1) account of the village.

17. Therefore, the contention of the learned Special Government Pleader appearing for the State that Estates Land Act, 1908 is not applicable to the facts of the case and it was wrongly applied by the learned single Judge

[1] (1997) 4 ALT 409 = 1997 SCC Online AP 43

holds no water and is devoid of merit and it cannot be countenanced. Therefore, the said contention is rejected.

18. It is then contended by the learned Special Government Pleader that the Settlement Officer gave a finding that the cist receipts filed by the Pakki people in proof of payment of cist for the land to the zamindars are not genuine as they do not contain the seal of the zamindar and as such Pakki people are not entitled to any ryotwari patta.

19. In response to the said contention, Sri A. Rangacharyulu, learned counsel for respondents, would contend that irrespective of the fact whether Pakki people paid cist or not in respect of the land and the genuineness of the said receipts, in view of the express language employed in Section 11 of the Estates Abolition Act, that when a person is found to be in possession of the land as on the notified date i.e. 12-01-1951 that he is entitled to ryotwari patta, Pakki people who are found to be in possession of the land are entitled to ryotwari patta.

20. The learned counsel for respondents then vehemently contended that as Pakki people are found to be in possession of the land as per the findings arrived by the Settlement Officer in view of the admission made by P.W.1 that Pakki people are in possession of the land for the last 40 years that they are undoubtedly entitled to ryotwari patta and that the Estates Abolition Tribunal cum District Judge, Visakhapatnam, rightly ordered for grant of ryotwari patta to Pakki people on that ground. We find considerable force in the said contention of the learned counsel for respondents.

21. In view of the law laid down by the erstwhile High Court of Andhra Pradesh at Hyderabad in ***Lingareddy Ramakrishna Reddy***'s case (*supra*), every person who was inducted into possession of the ryoti land prior to 01-7-1945 is entitled to a ryotwari patta under Section 11 of the Estates

Abolition Act. Therefore, whether Pakki people paid cist or not, is not a material fact and as it is found that they are in possession of the subject land in view of Section 11 of the Estates Abolition Act, 1948 (Act 26 of 1948), they are entitled to ryotwari patta as per law.

22. We absolutely do not find any manifest error of law or patent illegality in the impugned orders of the learned Estates Abolition Tribunal cum District Judge, Visakhapatnam, which in turn was confirmed by the learned single Judge of the erstwhile High Court of Andhra Pradesh at Hyderabad. The State could not make out any valid legal ground to impeach the validity of the impugned order of the learned Estates Abolition Tribunal cum District Judge, Visakhapatnam and the learned single Judge of the erstwhile High Court of Andhra Pradesh at Hyderabad, which are based on proper appreciation of the evidence on record and the law. They do not suffer from any legal infirmity. The impugned orders are perfectly sustainable under law and they are not liable to be set aside.

23. Resultantly, the writ appeals are dismissed, confirming the order of the learned single Judge of the erstwhile High Court of Andhra Pradesh at Hyderabad, affirming the order of the learned Estates Abolition Tribunal cum District Judge, Visakhapatnam, holding that the Pakki people are the lawful ryots of the subject land. Pending applications, if any, shall stand closed. There shall be no order as to costs.

CHEEKATI MANAVENDRANATH ROY, J.

TUHIN KUMAR GEDELA, J.

07th May, 2026.
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HONOURABLE SRI JUSTICE CHEEKATI MANAVENDRANATH ROY
AND
HONOURABLE SRI JUSTICE TUHIN KUMAR GEDELA

Writ Appeal Nos.912 of 2007 and 1038 of 2012

(per CMR, J.)

07th May, 2026.
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