APHC010507572026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI

TUESDAY, THE 29th DAY OF SEPTEMBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI

THE HONOURABLE SRI JUSTICE ALAPATI GIRIDHAR

WRIT APPEAL NO: 1127 OF 2026

Writ Appeal under clause 15 of the Letters Patent above named appellant presents this Memorandum of Writ Appeal being aggrieved by the order of the Learned Single Judge, dated 19.08.2026 passed in WP No.23486 OF 2026, for the following among other

Between:

1. SIRIGIRI PAVANA VENKATA REDDY, S/o. Venkata Subba Reddy, Aged about 58 years, OccAgriculturist, Rio. Kaminenipalli village, Sirvel Mandal, Kurnool District. 2)

2. Sirigiri Narasimha Reddy, S/o. Venkata Subba Reddy, Aged about 53 years, Occ Agriculturist, Rio. Kaminenipalli village, Sirvel Mandal, Kurnool District

...Petitioners

AND

1. CHINNAPU VIJITHA REDDY, W/o.Chinnapu Ravindra Reddy, Aged about 35 years, Occ. House Wife, R/o.Door No.360/2, Sarada Nagar, 1st Line Narsipatnam Town, Anakapalli District, Erstwhile Visakhapatnam District 531116

2. The State of Andhra Pradesh, Rep. by its principal Secretary, Revenue Department, Secretariat building, Velagapudi, Amaravathi, Guntur District 522238

3. The District Collector, Nandyal District, Nandyal, Erstwhile Kurnool District 518501

4. The Tahsildar, Sirivella Mandal, Sirivella, Nandyal District Erstwhile Kurnool District 518563 5.

5. The Mandal Surveyor, Sirivella Mandal, Sirivella, Nandyal District Erstwhile Kurnool District 518563

...Respondents

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 pleased to grant leave to the appellants herein to file writ appeal against the against the Orders in W.P.No.23486/2026, dt.19.08.2026 and pass s

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 pleased to suspend the Orders in W.P.No.23486/2026, dt.19.08.2026, pending disposal of the writ appeal and pass

Counsel for the Petitioners: C SUBODH

Counsel for the Respondents: GP FOR REVENUE Counsel for the Respondents:RAMESH N

The Court made the following order:

THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI

THE HONOURABLE SRI JUSTICE ALAPATI GIRIDHAR

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ORDER: *(per Ravi Nath Tilhari,J)*

Heard Sri C.Subodh, learned counsel for the writ appellants; Sri N. Ramesh, learned counsel for the respondent No.1 (writ petitioner) and the learned Government Pleader for respondent Nos.2 to 5.

2. The writ petitioner had filed an application for survey, vide application No.FSNV012601008041, dated 14.07.2026, for the subject land to an extent of Ac.1-17 ½ cents in Sy.No.353-1A connected with Khata No.1035, LPM No.400 of Kaminenipalle village, Sirivella Mandal, Nandyal District but the revenue authorities were not taking any action. The writ petitioner filed writ petition No.23486 of 2026 for direction to conduct the survey.

3. The writ petition was disposed of by the learned Single Judge vide judgment/order dated 19.08.2026 in the following terms:

> "5. Given the above facts and circumstances of the case and the submissions of the learned Assistant Government Pleader for Revenue, this writ petition is disposed of at the admission stage with the consent of learned counsel on either side, directing respondents 3 and 4 to conduct survey and fix the boundaries, pursuant to Ex.P1, application, by issuing notice to the petitioner as well as the neighbouring land owners and adhering to the procedure laid down under the Act. Respondents 3 and 4 shall complete the exercise as expeditiously as possible, preferably within four weeks from the receipt of a copy of the order. No costs."

4. Learned counsel for the writ appellant submits that for the same property the writ appellants had filed O.S.No.229 of 2016 in the Court of the Junior Civil Judge, Allagadda which was dismissed vide judgment/decree dated 14.02.2023 but the appellants' appeal vide A.S.No.5 of 2023 was allowed vide judgment & decree dated 01.02.2026 by V Additional District Judge, Kurnool at Allagadda, recording the findings in favour of the writ appellant inter-alia on the point of the possession of the appellants. The writ petitioner sought survey of the land of the writ appellants but did not implead the appellant as party in the writ petition, whereas they were entitled for an opportunity of hearing which was, thus denied in passing the impugned order.

5. The aforesaid facts have not been disputed by the learned counsel for the respondent-writ petitioner. The writ appellant was admittedly not made party in the writ petition.

6. Learned counsel for the respondent/writ petitioner seeks time to file counter affidavit. But as it is not in dispute that the writ appellants were not made party in the writ petition and as we are also not entering into any other factual aspect, we are of the view that there is no need to call for the counter affidavit in the writ appeal.

7. On consideration, we are of the view that as the writ appellants were not impleaded in the writ petition which related to the subject land

for which there were civil proceedings between the writ petitioner and writ appellants they were necessary parties to be heard.

8. I.A.No.1 of 2026 for leave to file the writ appeal is allowed. Leave is granted.

9. For the same reasons, the writ appeal is also allowed. The order dated 19.08.2026 is set aside. The writ petition is restored to its original number. The same will be listed before the appropriate bench for fresh decision. The writ petitioner shall implead the writ appellants in the writ petition.

10. Learned counsel for the respondent/writ petitioner submits that pursuant to the order passed in the writ petition the survey has already been conducted.

11. Since we have set aside the order passed in the writ petition, any subsequent action taken pursuant to the order dated 19.08.2026 shall be of no legal effect.

No order as to costs.

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

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RAVI NATH TILHARI,J

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ALAPATI GIRIDHAR,J

Dated: 29.09.2026
AG

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THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI

THE HONOURABLE SRI JUSTICE ALAPATI GIRIDHAR

WRIT APPEAL NO: 1127 OF 2026

Dated: 29.09.2026
AG