

**\* THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI**

**&**

**\*THE HONOURABLE SRI JUSTICE ALAPATI GIRIDHAR**

**+WRIT APPEAL Nos:1011 & 1064 OF 2026**

%10.10.2026

# The State of Andhra Pradesh, Principal  
Secretary, Revenue Department,  
Velagapudi, Amaravati and others

.....Appellants

And:

\$ T. Vijayanthimala and another

....Respondents.

!Counsel for the appellants : Sri T. Vishnu Teja, Spl GP

^Counsel for the respondents : Smt Pulipati Radhika

<Gist:

>Head Note:

? Cases referred:

- 1.(1988) 2 SCC 142
- 2.(1996) 3 SCC 132
- 3.(2015) 3 SCC 569
- 4.(1987) 1 SCC 5
- 5.2025 SCC Online SC 2046

**HIGH COURT OF ANDHRA PRADESH**

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**DATE OF JUDGMENT PRONOUNCED: 10.10.2026**

**SUBMITTED FOR APPROVAL:**

**THE HON'BLE SRI JUSTICE RAVI NATH TILHARI**

**&**

**THE HON'BLE SRI JUSTICE ALAPATI GIRIDHAR**

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|--------------------------------------------------------------------------------------|---------------|
| <b>1. Whether Reporters of Local newspapers may be allowed to see the Judgments?</b> | <b>Yes/No</b> |
| <b>2. Whether the copies of judgment may be marked to Law Reporters/Journals</b>     | <b>Yes/No</b> |
| <b>3. Whether Your Lordships wish to see the fair copy of the Judgment?</b>          | <b>Yes/No</b> |

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**RAVI NATH TILHARI, J**

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**ALAPATI GIRIDHAR, J**

Date of reserved for orders : 24.09.2026

Date of pronouncement : 10.10.2026

Date of uploading : 10.10.2026

APHC010445272026



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

[3624]

THE 10<sup>TH</sup> DAY OF OCTOBER 2026

**PRESENT**

**THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI**

**THE HONOURABLE SRI JUSTICE ALAPATI GIRIDHAR**

**WRIT APPEAL NOS: 1011 AND 1064 OF 2026**

**Between:**

- 1.THE STATE OF ANDHRA PRADESH, PRINCIPAL SECRETARY  
REVENUE DEPARTMENT SECRETARIAT, HYDERABAD (PRESENT  
VELAGAPUDI, AMARAVATHI, GUNTUR DISTRICT)
- 2.THE DISTRICT COLLECTOR CHITTOOR,, CHITTOOR DISTRICT  
(PRESENT TIRUPATI DISTRICT)
- 3.THE REVENUE DIVISIONAL OFFICER,, CHITTOOR DISTRICT  
(PRESENT TIRUPATI DISTRICT)

**...APPELLANT(S)**

**AND**

- 1.T VAIJAYANTHIMALA, W/O T.VISHWANADHAMCHETTY AGED  
59YEARS,REP BY HER GPA, T.VISHWANADHAMCHETTY S/O  
KRISHNAIAHCHETTY AGED 68 YEARS R/O D.NO. 4-4-506 A,  
NEHRU NAGAR, TIRUPATI CHITTOOR DISTRICT. (PRESENT  
TIRUPATI DISTRICT)
- 2.T VISWANADHAMCHETTY, S/O S.KRISHNAIAHCHETTY, AGED  
ABOUT 68 YEARS R/O D NO 4-4-506 A NEHRU NAGAR TIRUPATHI  
CHITTOOR DISTRICT (PRESENT TIRUPATI DISTRICT).
- 3.THE TIRUPATHI MUNICIPAL CORPORATION, REP BY

ITS COMMISSIONER, CHITTOOR DISTRICT (PRESENT TIRUPATI DISTRICT)

4. THE TIRUMALA TIRUPATHI DEVASTHANAM, TIRUPATI REP BY ITS EXECUTIVE OFFICER, CHITTOOR DISTRICT (PRESENT TIRUPATI DISTRICT)

5. THE TIRUPATHI URBAN DEVELOPMENT CORPORATION, REP BY ITS VICECHAIRMAN, TIRUPATI CHITTOOR DISTRICT (PRESENT TIRUPATI DISTRICT) (RESPONDENTS 3 TO 5 ARE PROFORMA PARTIES)

**...RESPONDENT(S):**

**Counsel for the Appellant(S):**

1. THE ADVOCATE GENERAL

**Counsel for the Respondent(S):**

1. PULIPATI RADHIKA

**THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI**  
**AND**  
**THE HONOURABLE SRI JUSTICE ALAPATI GIRIDHAR**

**WRIT APPEAL Nos. 1011 and 1064 of 2026**

**COMMON JUDGMENT** *(per Hon'ble Sri Justice Ravi Nath Tilhari)*

1. Heard Sri T. Vishnu Teja, learned Special Government Pleader appearing for the appellants and Smt. Pulipati Radhika, learned counsel appearing for the respondents.

2. Writ Appeal No.1011 of 2026 has been filed against the judgment and order dated 14.11.2022 passed by the learned Single Judge in W.P.No.15895 of 2015.

3. Writ Appeal No.1064 of 2026 arises out of the order dated 07.02.2026 passed in Review I.A.No.25 of 2026 in W.P.No.15895 of 2015.

4. The writ petition filed by respondent Nos.1 and 2 (writ petitioners) was allowed, setting aside the proceedings of the District Collector in Roc.No.E6/4939/2013, dated 08.04.2015, with a further direction to the District Collector to reconsider the issue and pass appropriate orders.

5. The review petition filed by the writ appellants/State authorities was rejected.

6. The brief facts of the case, stated succinctly, are that a public interest litigation relating to the widening of Alipiri Road was filed in W.P.No.5530 of

1986. The said writ petition was disposed of by order dated 31.09.1989, holding that the State authorities were justified in acquiring the land for the public purpose of road widening.

7. The Tirupati Municipality took possession of the subject premises bearing No. 506-A for the purpose of road widening. The petitioners filed W.P. No. 8381 of 1989, which was dismissed, observing that the writ petition was premature. The writ petitioners were permitted to question the same as and when steps were taken to acquire the land.

8. The present respondent Nos.1 and 2 (writ petitioners) initially filed W.P.No.10304 of 1994, raising a grievance that the respondents therein, namely, Tirupati Municipality and others, were trying to demolish the writ petitioners' house bearing Nos.505-K and 507 in Nehru Nagar, Tirupati, without initiating any land acquisition proceedings under the Land Acquisition Act, 1894 and without payment of compensation. A prayer was made, inter alia, to direct the respondents not to interfere in any manner with the possession and enjoyment of the said property.

9. The W.P.No.10304 of 1994 was dismissed as withdrawn by order dated 28.03.1995, which reads as under:

*"It is reported on behalf of the petitioner by their counsel Sri M.R.K. Chowdary that the respondents are providing them an alternate accommodation and therefore he wants to withdraw the Writ Petition Permission accorded. The Writ Petition is dismissed as withdrawn. No costs."*

10. From the aforesaid order, it is evident that the learned counsel for the writ petitioners in that writ petition reported “that the respondents are providing them an alternate accommodation” and therefore the writ petitioners wanted to withdraw the writ petition. Accordingly, permission was granted to withdraw and the writ petition was dismissed as withdrawn.

11. Any liberty to file a fresh writ petition was neither reserved nor granted to the writ petitioners (present Respondent Nos. 1 and 2)

12. Another writ petition, being W.P.No.13446 of 2001, was filed by other seven petitioners, other than the present respondent Nos.1 and 2, seeking a direction to the respondents therein to consider and dispose of their representations dated 07.03.1995 for grant of house-site pattas. The said writ petition was disposed of finally by order dated 04.07.2001, directing the respondents to take an appropriate decision in the matter in accordance with law and in the light of the proceedings of the Revenue Divisional Officer dated 19.10.1995, and to consider the case of those seven petitioners for grant of house-site pattas within the specified period.

13. The order dated 04.07.2001 in W.P. No.13446 of 2001 reads as under:

*“Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue and at their request, the matter is taken up for final disposal at the stage of admission. Rule Nisi.*

*It is evident from the letter of the Revenue Divisional Officer, Tirupati in ROC.H/5040/95, dated 19.10.1995 that the petitioners herein were allotted the*

*government land in Narsimha Theertham Road (Opposite to LIC) in lieu of the land taken over by the Government for the purpose of extension of road in Nehru Nagar, Tirupati it appears that the petitioners were evicted from their lands at Nehru Nagar, Tirupati and in lieu of the same certain government lands at Narsimha Theertham Road were allotted to them. It is the case of the petitioners that they are being harassed by the Superintendent of Government Observation Home on the ground that they do not have house site pattas granted in their favour by the competent authority. In the circumstances, the Revenue Divisional Officer directed the Mandal Revenue Officer to submit proposals to the Collector for grant of house site pattas to the petitioners.*

*The Government of the complaint in the instant writ petition relates to the inaction on the part of the respondents is submitted such proposals and granting house site pattas to the petitioners in terms of the letter dated 19.10.1995 of the Revenue Divisional Officer.*

*Having regard to the facts and circumstances of the case, the Respondents are directed to take appropriate decision in the matter in accordance with law and in the light of the proceedings of the Revenue Divisional Officer dated 19.10.1995 and consider the case of the petitioners for grant of house site pattas within a period of three months from the date of receipt of a copy of this order.*

*The Writ petition is accordingly disposed of. There shall be no order as to costs."*

*(The aforesaid is reproduced as in the order)"*

14. It is evident from the aforesaid order dated 04.07.2001 that there was proceeding of the Revenue Divisional Officer, Tirupati, in Roc.No.H/5040/95, dated 19.10.1995, in favour of those seven petitioners being entitled to allotment of the Government land at Narasimha Theertham Road (Opposite to L.I.C.), in view of their land having been taken over by the Government for the purpose of the widening of existing road in Nehru Nagar, Tirupati, those petitioners having been evicted from their land. The grievance raised in W.P.No.13446 of 2001 by those 7 Writ petitioners, related to the inaction on the part of the respondents therein in implementing the proposal for granting house-site pattas to those writ petitioners in terms of the proceedings dated 19.10.1995 of the Revenue Divisional Officer.

15. The petitioners had also filed O.S.No.524 of 1992 on the file of the I Additional District Munsif, Tirupati, seeking a decree of permanent injunction. An order of temporary injunction was granted therein on 05.10.1992. During the pendency of the said suit, when the respondents allegedly proceeded to demolish the subject property, the petitioners filed W.P.No.10304 of 1994, which was subsequently dismissed as withdrawn.

16. Thereafter, the petitioners' structure was demolished and they were evicted for the purpose of widening the road. The cost of the demolished structures was assessed and compensation towards the structures was paid to the petitioners. According to the petitioners, however, their claim for providing alternate accommodation/site was not considered.

17. The petitioners thereafter made several representations to the respondent authorities seeking alternate accommodation. As there was no response from the authorities, they issued a legal notice dated 23.09.2009, and filed W.P.No.16440 of 2010.

18. The present respondent Nos.1 and 2 (writ petitioners) filed W.P.No.16440 of 2010 for the following relief:

*“..... Writ of Mandamus declaring the inertia on the part of the respondents in not complying with the undertaking given to this Hon’ble Court in providing alternate accommodation as illegal, arbitrary, unfair, unjust and unconstitutional.*

*ii. directing the Respondents to provide alternate accommodation (sites) from out of the sites (more fully mentioned in the schedule mentioned) still available with the 1<sup>st</sup> respondent./Tirumala Tirupathi Devasthanam or any other suitable sites in the residential-cum-commercial areas or zones in Tirupathi Town for our rehabilitation.*

*iii. directing the respondents to pay a compensation of Rs.18,00,000/- (till date) being the loss caused to us by way of low of rent and by way of rent which we were compelled to pay of our residence for 15 years.*

*iv. directing the respondents to pay a compensation of Rs.30,00,000/- towards off-setting our extra cost of construction material etc. for the purpose of our rehabilitation.*

19. The Writ petition No.16440 of 2010 was filed raising the grievance that the respondents therein were not complying with the alleged undertaking given to the Court for providing alternative accommodation to the present respondent Nos. 1 and 2. A direction was sought, to provide alternative accommodation/house sites that might be available with respondent No.1, i.e., Tirumala Tirupati Devasthanams, besides seeking a direction for payment of compensation.

20. In the said writ petition No.16440 of 2020, the respondents herein did not dispute that the compensation had been paid to the petitioners towards the superstructures. However, it was their stand that there was no obligation on the part of the authorities to provide alternate accommodation.

21. The aforesaid W.P.No.16440 of 2010 was disposed of finally by judgment and order dated 24.06.2013 in the following terms:

*“The respondents are directed to consider the legal notice dated 23.09.2009, taking into consideration the order dated 04.07.2001 passed by this Court in W.P.No.13446 of 2001 and pass appropriate orders in accordance with law within a period of two weeks from the date of receipt of a copy of this order.”*

22. The judgment dated 24.06.2013 in Writ petition No.16440 of 2010 records that the petitioners had earlier filed W.P.No.8381 of 1989 seeking a direction to restrain the respondents from interfering with their possession and enjoyment of the subject property, which was dismissed on 14.12.1994, observing as follows:

*“We make it explicit that as and when steps are initiated by the respondents to acquire the land, it is open to the petitioners, if advised, to challenge the same on the grounds available to them under law.”*

23. It was the further case that the petitioners in WP.No.16440 of 2010 that they were similarly situated to the petitioners in W.P.No.13446 of 2001, which was disposed of by this Court on 04.07.2001, directing the respondents to consider the case of those writ petitioners for grant of house-site pattas within the specified period. On the basis of the said order, the petitioners in W.P.No.16440 of 2010 sought a similar direction to the respondents to consider their case and pass appropriate orders.

24. This Court in the order dated 24.06.2013 observed as under:

*“It is not in dispute that the petitioners are the displaced persons and though the compensation with regard to superstructures has been paid no alternative accommodation has been provided. The learned senior counsel for the petitioners also confined his arguments only to the extent of providing alternative accommodation and in this connection, he categorically averred that the petitioners have made several representations to the authorities but since there is no response from the authorities, the petitioners got issued legal notice dated 23.09.2009. Even though, as there was no response for the said legal notice the petitioners filed the present writ petition.*

*From the above, the main grievance of the petitioners is that their immovable property has been taken over by the authorities for the purpose of road widening*

*without providing them alternative accommodation. This Court in W.P.No.13446 of 2001 considering the very same issue which is involved in the present writ petition passed the following order on 04.07.2001.*

*“Having regard to the facts and circumstances of the case, the Respondents are directed to take an appropriate decision in the matter in accordance with law and in the light of the proceedings of the Revenue Divisional Officer dated 19.10.1995 and consider the case of the petitioners for grant of house site pattas within a period of three months from the date of receipt of a copy of this order.”*

*Having regard to the averment that the petitioners have made several representations to the authorities, it is their legitimate expectation that they would get response from the authorities but in the instant case no response was received by the petitioners for their representations. Therefore, they got issued legal notice dated 23.09.2009 for which also no response was received by the petitioners from the authorities. Hence, without going in to the merits of the case, this writ petition is disposed of as under.*

*The respondents are directed to consider the legal notice dated 23.09.2009, taking into consideration the order dated 04.07.2001 passed by this Court in W.P.No.13446 of 2001 and pass appropriate orders, in accordance with law, within a period of two months, from the date of receipt of a copy of this order.*

*With the above direction, this writ petition is disposed of. There shall be no order as to costs.”*

25. From a perusal of the aforesaid judgment, it is evident that the only direction issued was to consider the case of the writ petitioners (present respondent Nos. 1 and 2) pursuant to their legal notice dated 23.09.2009 and, taking into consideration the order dated 04.07.2001 passed in W.P.No.13446 of 2001, and pass appropriate orders.

26. The right or entitlement of the petitioners to alternate accommodation was not determined. It was required to be determined by the competent authority, pursuant to their legal notice dated 23.09.2009. While making such determination, the competent authority was also required to take into consideration the order dated 04.07.2001 passed in W.P.No.13446 of 2001 of different Seven Writ Petitioners.

27. Thereafter, the case of the writ petitioners was considered by the District Collector, Chittoor, who passed proceedings in Roc.No.E6/4939/2013, dated 08.04.2015, rejecting the writ petitioners' (present respondent Nos.1 and 2) case for alternate site/accommodation.

28. In the proceedings dated 08.04.2015, the District Collector observed that the writ petitioners had encroached upon the site in Survey No.949 and constructed an RCC building consisting of a commercial complex in the cellar and structures on the first and second floors. The cellar and other portions of the building had been let out for commercial purposes and shops were being run therein illegally. The structures had subsequently been demolished and the petitioners had been evicted. The compensation towards the structures had already been paid by the Tirumala Tirupathi Devasthanam to the

petitioners. There was no provision under any statutory enactment obligating the Government to provide an alternate site to the petitioners. According to the District Collector, the petitioners had encroached upon Government land and had constructed a commercial complex. Since the compensation towards the structures had already been paid, there was no further entitlement to alternate accommodation. The Government was entitled to resume the land and utilize the same for a public purpose. The District Collector further observed that there was no provision for providing alternate accommodation or rehabilitation under the provisions of the Land Acquisition Act, 1894 in the circumstances of the case. The land had not been acquired under the Land Acquisition Act, 1894, but had been resumed. The petitioners were encroachers upon the Government land.

29. The District Collector had recorded a finding that the land was Government land. The petitioners were not belonging to the below-poverty-line category and were encroachers. They were not eligible for allotment of alternate house sites. The petitioners were entitled only to compensation for the demolished structures, which had already been paid.

30. While passing the aforesaid order dated 08.04.2015, the District Collector also referred to the previous proceedings of the T.T.D. dated 25.03.2014, bearing Roc.No.Prop/15140/AEO(Prop)/1983, in which, the T.T.D. had taken the stand that it had no obligation to provide alternate land or accommodation to the petitioners in W.P.No.16440 of 2010 as its role was confined to maintenance of the road.

31. The report of the District Collector, Tirupati is reproduced hereunder:

**"PROCEEDINGS OF THE DISTRICT COLLECTOR CHITTOOR**

Preset: Sri Siddharth Jain, JAS

Rec. E6/4939/2013

Dated: 08.04.2015

Sub: Suits-Chittoor District-Tirupati (U)-Tirupati Ushan Mandal and town - CC 410/32014 in W.P.No. 16440/2010 filed by Smt.T. Vyjayanthimala and another, Tirupati - Orders issued- Regarding

Read: 1. Orders of Hon'ble, High Court of A.P. Hyd In WP. No. 16440/2010, dt. 24-06-2013.

2. RDO, Tirupati Ir. Roc. 1/3452/2013 dt 22.6.2013

3.Proceedings of E.E., TTD, Tirupall roc. No. Prop. 1/15140/ABO (prop)/1983 dt.

25.3.2014

4. The Commissioner, Municipal Corporation, Tirupati ir. Roc. No. 9874/2010/32 dt 12.1.2015

5. G.P. for Revenue (O)(A&R) &R), High Court of A.P. Hyd. Lr. No. CC 410/2014 Rev. (A)) dt 13.2.2015

6. Tahsildar, Tirupati (U) Roc. A /2015 de 17.3.2015

7. RDO, Tirupati ir. Roc. B/3452/2013 dt 17.3.2015

**ORDER:**

A contempt case was filed in CC No. 410/2014 by Smt.T. Vyjayanthimals and another, Tirupati to implement the orders of Hon'ble High Court passed in W.P. No. 16440/2010 dated 24-06-2013. The Hon'ble High court in W.P. No. 16440/2010 passed orders as follows.

"to consider the legal notice dated. 23-09-2009, taking into consideration the order dated 04-07-2001 passed by the Hon'ble High Court in W.P. No. 13446 of 2001 and pass appropriate orders in accordance with law within a period of two months from the date of receipt of a copy of this order"

Case was taken on file and notices were issued on 26.2.2015, 2.3.2015, 12.3.2015, 19.3.2015, 24.3.2015 and finally posted for hearing on 27.3.2015. When the case was called the party present and produced the following Xerox copies of documents for perusal and necessary orders.

1. Legal Notice dt. 23.9.2009, issued by the petitioner through advocate.

2. W.P.No. 16440/2010 filed before the Hon'ble High court of AP, Hyderabad

3. Orders in WP No. 16440/2010 dt. 24.6.2013
4. Contempt petition in CC 410/2014 in WP No. 16440/2014
5. Structures and compensation receipts for three houses of TTD, Tirupati.
6. Lr. No. 9874/2010/G2 dt 5.8.2013 of Municipal Comms. Tirupati to the District Collector
7. WP No. 13446/2001 filed by Gurramkonda Desamma and others against the MRO, Tirupati Urban and others
8. Orders in WP No. 13446/2001 filed by Gurramkonda Desamma and others against the MRO, Tirupati Urban and others
9. Stay orders in WP Mis. Petition No. 12506/94 in WP No. 10304/1954 filed by Vyjanthimala and other against the Tirupati Municipality Tirupati and others.
10. Order in WP No. 10304/2014 filed by Smt. T. Vyjanthimala and other against the Tirupati Municipality, Tirupati.

The RDO, Tirupati in the reference 2nd cited has reported that Smt.T. Vyjayanthimala'and another, have filed a W.P. No. 16440/2010 before the Hon'ble High court, AP, Hyderabad seeking directions to provide alternate accommodation (sites) from out of sites in the residential-cum-commercial areas or zones in Tirupati town for their rehabilitation in lieu of their land in D.No. 4-505 A and 4-506-A, Nehru Nagar, Tirupati Jyothi Talkies Junction of Tirupati town as the petitioners landed properties were affected for road widening purpose i.e. Bhagavan Mahaveer Road, and that the petitioners have also filed another Writ petition in WP No. 10304/1994 which was withdrawn by the petitioners on the ground that they will be provided alternative accommodation by the respondents, for the effected portion of the property taken for widening of road.

As per village accounts of Tirupati the Town Survey No. 949 admeasuring an extent of 18.20 acs is classified as Gayalu poramboke vested with the Government. The Writ petitioners have encroached the Govt. land and constructed commercial building in cellar, Ground Elgor residential building in rarst and Second floors with RCC structures and also let out to rent and run liquor shop. The said buildings were situated at Nehru Nagar which is existing from the road leads from Alipiri to town club junction.

The property was not acquired under LA Act. As the roads are very narrow and for rapid development of Temple city and to control, the vehicular traffic near Jyothi theatre junction, the TUDA authorities have taken up work for widening of Bhagavan Mahaveer road for communal purpose and for the convenient of public.

The land in question is Government land and vested with the Government, it is at the liberty of the Govt. to resume' the land for public purpose and certain persons who are the BPL families who were displaced in the process of road widening, they have been provided alternative accommodation near Ramachandragunta and Hommagunta by the RDO, Tirupati, in his ref. H/5040/1995 dt 19.10.1995, which is not at all related to this issue. As the Writ petitioners comes under shave poverty line (APL) and getting income through their commercial complexes, they have not been provided alternative accommodation.

The Govt. Pleader, AP, Hyderabad in the reference 4th cited has stated that a counter affidavit was filed by the Dist. Collector on 29.5.2014, the Hon'ble High court directed the District Collector to pass appropriate orders as directed in the WP No. 16440/2010 dt. 24.6.2013 after considering the legal notice and other relevant issues in the subject matter to place it before the Hon'ble High court.

As per directions of the Hon'ble High court in WP No. 16440/2010 dt. 24.6.2013, the legal notice of the Writ petitioner dt. 23.9.2009 and connected records were perused.

The Writ petitioner in his legal notice dt. 23.9.2009 has stated that they were residing at Nehru Nagar, Tirupati in a commercial building letting out for rent for commercial purpose and were also residing there. The Municipal corporation tried to expand the roads at Jyothi Talkies area and this juncture they have filed WPs. But their residential house including their commercial shops were gone in road expansion and they rendered homeless. They stated that when they filed a W.P in WP.No. 10304/1994, the TTD authorities have promised to provide alternate land through Revenue Department, to the affected portion of the property in widening of road and on the promise of the TTD they have withdrawn the WP. No. 10304/1994. They stated that later they have received compensation for super structures they erected, but no alternative land has been provided to them. They finally requested to allot a suitable accommodation (site) in commercial area or zone in Tirupati town and to pay a compensation of 18 lakhs being the loss caused to them by way of rent.

As stated by the petitioner that promise was made by the TTD to provide alternate land through Revenue Department, to the affected portion of the property in widening of road is only between the TTD and writ petitioner and it was not brought to the notice of the District administration Le. District Collector. The Executive Officer, T.T.D In his proceedings dt. 25-3-2014 vide Roc. No. Prop/15140/AEO(Prop)/1983 issued to the petitioners has clearly declared that, T.T.D. has no obligation for allotting any alternate land to the petitioners a W.P.No.16440/2001 and the role of T.T.D. is limited to maintenance of road only.

The Municipal Commissioner, Tirupati vide roc. 9874/2010 /G2 dt. 17.3.2015 has reported that on the basis of the report of the RDO, Tirupati Ir. Roc..B/3452.2013 dt. 22.6.2013, a reply was sent to the Writ petitioners on 18.3.2014 in response to the Legal notice dt. 23.9.2009.

The Revenue Divisional Officer, Tirupati in the reference 6th read above has reported that, Tirupati always have traffic due to in planer of pilgrims, hence the govt. In its OO Rt. No. 2033 Municipal Administration dt. 31.12.1986 have issued orders to handover roads in Tirupati, to TTD authorities for maintenance and the T.T.D. has taken initiation to widen the road and during the widening some of the structures were identified in S.No.949 of Tirupati. As revenue accounts \$.No.949 with a total extent of Acs.18-20 is classified as Govt., Un assessed was in Resurvey Settlement Register. As such the land is Government land and vests with Government and either the petitioners or others have any right and title over the land. The petitioners were paid compensation for structures to Smt T.Vyjayanthimala Rs.40,999/- and her husband Sri T.Viswnadham Chetty Rs.1,37,140/-on 27-4-1995 and 27-2-1996.

At that juncture 7 persons have filed W.P.No.13446 of 2001 pleading to dispose of their petition dt.7-3-1995 for grant of house sites and the said writ petition was disposed of on 04-7-2001, directing the Revenue Divisional Officer, Tirupati to take appropriate decision in the matter in

accordance with law. Since the 7 displaced persons were eligible and belong to below poverty line, they were provided house sites in S.No.951 of Tirupati which is a Govt., land classified as Government Un assessed waste and they never raised thatched houses and are residing there.

With regard to the present petitioners, they have encroached upon the site in S.No.949 by construction of RCC building. Commercial complex in Cellar, and Ground floor and residential dwellings in First and Second floors and let out cellar and ground floor for commercial purpose and running a liquor shop. While structures were evicted compensation for the structures were paid by the T.T.D. Authorities to the petitioners as stated above. There is no provision in any act to provide alternate site to anybody. The Executive Officer in his proceedings (25-3-2014 vide Roc.No.Propl/15140/AEO(Prop)/198) Issued to the petitioners has clearly declared that, T.T.D. has no obligation for allotting any alternate land to the petitioners In W.P.No. 16440/2001 and the role of T.T.D. is limited to maintenance of road only, and the Specified authority in its resolution No.203 d1.26-5-2011 has resolved to scrap rehabilitation of displaced structure owners/tenants whose properties were acquired and paid compensation.

Finally the RDO has reported that the petitioners are above poverty line, and the land was encroached by them and the land is not their own and for the structures raised by them and evicted during widening of road they were paid compensation for the structures alone, the petitioners are not eligible for grant of alternate house sites, and they are above poverty line, and even now they are residing in the Government land in S.No.949 hence their plea for grant of alternate land cannot be considered.

In pursuance of the orders of Hon'ble High Court dt. 4.6.2013, the said legal notice dt. 23.9.2009 was examined. The writ petitioners/ petitioners have encroached the Government land and constructed commercial complex and letout for rent and therefore they are not eligible for compensation. The government is at liberty to resume the land for public purpose at any time without notice. Even if the land was taken under land acquisition, there is no provision in the Land Acquisition Act to provide alternate land as rehabilitation and only compensation will be, paid to the pattadars if the land is acquired under the act. The land encroached by the petitioners are purely Government land and the petitioners come under Above Poverty line category and getting income through Commercial -complexes. Further they have accepted that, they were in receipt of compensation for the structures they erected. Encroachers under APL category are not eligible for provision of alternate House sites on free of cost as per rules in force.

The Revenue Divisional Officer, Tirupati is directed to take necessary action under sec. 3(1) of the A.P.Land Encroachment Act 1905.

Sd/- Siddharth Jain,  
District Collector, Chittoor.

/t.c.b.o./  
Superintendent"

32. Thus, the claim of the Respondent Nos. 1 and 2 for alternate site or alternate accommodation had already been rejected by the T.T.D. by its proceedings dated 25.04.2013.

33. The learned Government Pleader submitted that the order of rejection, passed by the T.T.D., dated 23.04.2014 was not challenged.

34. Their legal notice dated 23.09.2009 was thereafter considered, pursuant to the direction issued by this Court in W.P.No.16440 of 2010, dated 24.06.2013, duly taking into consideration the order dated 04.07.2001 passed in W.P.No.13446 of 2001. The claim was rejected on 08.04.2015 by the District Collector vide a reasoned order, as aforesaid.

35. The Respondent Nos.1 and 2 challenged the order dated 08.04.2015 passed by the District Collector, Tirupathi by filing W.P.No.15895 of 2015.

36. The prayer in W.P.No.15895 of 2015 is extracted as under:

*“For the reasons stated in the accompanying affidavit, the petitioner herein prays that this Hon’ble Court may be pleased to issue a Writ, order or direction, especially one in the nature of Writ of Mandamus declaring the proceedings in ROC.F6/4939/2013, dated 08.04.2015 issued by the 2<sup>nd</sup> respondent is illegal, arbitrary, contrary to law and violation of Article 300-A of the Constitution of India and consequently set aside the same and direct the respondents 2 and 3 to give alternative land to the petitioners for the land which was taken from them the purpose of road widening from*

*Town Club Junction to Alipiri and pass such other order or orders as are deemed fit and proper.”*

37. In the W.P.No.15895 of 2015 no counter-affidavit was filed.

38. The learned Single Judge, by order dated 14.11.2022, allowed W.P.No.15895 of 2015 and set aside the proceedings of the District Collector in Roc.No.E6/49397/2013, dated 08.04.2015, with a direction to the District Collector, Tirupathi to reconsider the issue and pass appropriate orders in accordance with law, and in compliance with the orders passed in W.P.No.16440 of 2010 within the specified time.

39. It is appropriate to reproduce paragraphs 4 to 6 of the order dated 14.11.2022 in W.P.No.15895 of 2015, which read as follows:

*“4. This Court in W.P.No.16440 of 2010, vide order dated 24.06.2013, has directed the respondents to consider the legal notice dated 23.09.2009, taking in to consideration the order dated 04.07.2001 passed by this Court in W.P.No.13446 of 2001 and pass appropriate orders, in accordance with law. The respondents have passed the impugned order, wherein on one hand they say that the land claimed by the petitioners is a Government land and vested with the Government and either the petitioners or others have any right and title over the said land and also admitted that the 1<sup>st</sup> petitioner was being paid the compensation for structures to a tune of Rs.40,999/- and her husband i.e., the 2<sup>nd</sup> respondent was paid the compensation to a tune of Rs.1,37,140/- on 27.04.1995 and 27.02.1996 respectively. The respondents also admitted that the persons in W.P.No.13446 of 2001 were provided house sites in*

*Sy.No.951 of Tirupati, as they are eligible and belong to below poverty line. But however, they rejected the claim of the petitioners on two grounds. One ground is that the land encroached by the petitioners is purely a Government land and the second ground is that the petitioners come under the above the poverty line category and getting income through commercial complexes.*

*5. However, it is an admitted fact that the petitioners are absolute owners of the subject buildings, having purchased the same through a registered sale deed and they are entitled on par with the aggrieved persons in W.P.No.13446 of 2001.*

*6. Accordingly, the Writ petition is allowed by setting aside the proceedings of the District Collector in Roc.E6/4939/2013, dated 08.04.2015, duly directing the District Collector, i.e., the 2<sup>nd</sup> respondent herein to reconsider the issue and pass appropriate orders in compliance with the orders passed in W.P.No.16440 of 2010, within a period of four (04) weeks from the date of receipt of a copy of this order. There shall be no order as to costs.”*

40. From the aforesaid paragraphs, it is evident that the writ petition was allowed, setting aside the order dated 08.04.2015, with directions, on the ground that the writ petitioners (Respondent Nos. 1 and 2 herein) claimed to be the absolute owners of the subject buildings, having purchased the same through registered sale deeds, and so they were entitled on par with the petitioners in W.P.No.13446 of 2001 decided vide order dated 04.07.2001.

41. The learned Government Pleader submitted that the writ petitioners were not assignees of the land. The proceedings in Roc.No.H/5040/95, dated

19.10.1995 did not related to the writ petitioners (Respondent Nos. 1 and 2 in the writ appeal). The petitioners were encroachers upon Government land and had raised the building thereon. Therefore, upon demolition of their structures, they were paid compensation only towards the building structures. Being encroachers, there was no question of payment of any compensation towards the land or for providing any alternate site.

42. The writ petitioners were not entitled to claim any parity with the writ petitioners in W.P.No.13446 of 2001, as in favour of those seven writ petitioners of W.P.No.13446 of 2001, there were proceedings of the Revenue Divisional Officer in Roc.No.H/5040/95, dated 19.10.1995.

43. Thereafter, the writ petitioners filed C.C.Nos.6045 of 2023 alleging disobedience of the order dated 14.11.2022.

44. The District Collector, Tirupathi vide Rc.No.E3/516/2023, on consideration of the order dated 14.11.2022 passed in W.P.No.15895 of 2015, passed proceedings dated 28.11.2023.

45. The District Collector, on consideration of the material before him, including the legal notice dated 23.09.2009, the orders passed in W.P.No.13446 of 2001 and W.P.No.16440 of 2010, as also the material referred to in the order itself, rejected the writ petitioners' claim for grant of an alternate site. It was observed that the land was Government land. The petitioners were paid compensation for the structures which had been raised by them after encroaching upon the Government land. The petitioners

belonged to the 'above-poverty-line' category and were, therefore, not eligible for grant of house sites/alternate site.

46. With regard to the writ petitioners' claim based on the alleged sale deeds, said to have been executed by the original assignees of the land, the District Collector dealt with the same and observed that the alleged house-site pattas dated 11.11.1981 were non-existent and fabricated from official records. The case set up by the writ petitioners on the basis of the alleged sale deeds was not correct. It was contrary to the record and was based on fabricated documents. The same could not be accepted. Any transaction made on the basis of non-existent or fabricated pattas would also be null and void and would not confer any right over Government land.

47. The order of the District Collector dated 28.11.2023 reads as under:

*“Accordingly, the Writ petition is allowed by setting aside the proceedings of the District Collector in Roc.E6/4939/2013, dated 08.04.2015. duly directing the District Collector, i.e., the 2<sup>nd</sup> respondent herein to reconsider the issue and pass appropriate orders in compliance with the orders passed in W.P.No.16440 of 2010, within a period of four (04) weeks from the date of receipt of a copy of this order. There shall be no order as to costs.”*

*In pursuant to the orders of the Hon'ble High Court, the case was taken on file and notices were issued to the petitioners to attend for enquiry on 13.06.2023. The Writ Petitioners and the Tahsildar, Tirupati Urban were present. The Writ Petitioners have*

*attended enquiry and produced the following Xerox copies of documents.*

- 1. Legal Notice dt. 23.9.2009, issued by the petitioner through advocate.*
- 2. W.P.No. 16440/2010 filed before the Hon'ble High court of AP, Hyderabad.*
- 3. Orders in WP No. 16440/2010 dt. 24.6.2013.*
- 4. Contempt petition in CC 410/2014 in WP No.16440/2014.*
- 5. Structures and compensation receipts for three houses of Tirumala Tirupathi Devasthanam, Tirupati,*
- 6. Lr. No. 9874/2010/G2 dt 5.8.2013 of Municipal Commissioner, Tirupati to the District Collector*
- 7. WP No. 13446/2001 filed by Gurramkonda Desamma and others against the MRO, Tirupati Urban and others.*
- 8. Orders in WP No. 13446/2001 filed by Gurramkonda Desamma and others against the MRO, Tirupati Urban and others*
- 9. Stay orders in WP Mis. Petition No. 12506/94 in WP No. 10304/1994 filed by Vyjanthimala and other against the Tirupati Municipality Tirupati and others.*
- 10. Order in WP No. 10304/2014 filed by Smt. T. Vyjanthimala and other against the Tirupati Municipality, Tirupati.*

*The Revenue Divisional Officer, Tirupati has submitted report vide reference 4 read above.*

*As seen from the report of the R.D.O and verification of records, the facts involved in the case are*

*As per Village accounts of Tirupati Urban Mandal, land in Town Survey No.949 admeasuring an extent of 18.20 cents*

*is classified as Gayalu Poramboke. The land was not assigned /allotted to anybody and vested with Government. The Writ petitioners have encroached the Government land and constructed Commercial building in Cellar, Ground Floor residential building in First and Second floors with R.C.C. structures and also let out to rent in Cellar and ground. floor for shop rooms and also let out A.C.C. Sheet' shed shop rooms and was running" liquor shop". The said buildings are encroachments on the road margins situated at Nehru Nagar, Tirupati Town.*

*Due to heavy traffic in Tirupati due pilgrimage, the Govt., in its G.O.Rt.No.2033 Municipal Administration Dt: 31.12.1986 have issued orders to hand over roads in Tirupati to Tirumala Tirupathi Devasthanam Authorities for maintenance and development of roads, the road leading from Town Club to Alipiri was also one among them. When the Authorities have tried to widen the road at the area and intended to take possession of the petitioner premises, the petitioners filed W.P.No.8381/1989 and the same was dismissed as premature" as per counter filed by the 3<sup>rd</sup> respondent i.e., TUDA, in its counter that, Even if the property is acquired, appropriate compensation will be paid to the petitioner,*

*When the authorities proceed for road widening, the petitioners once again filed W.P.No. 10304/1994 and the said W.P. was dismissed as Withdrawn on 28-03-1995 as follows*

*".....It is represented on behalf of the petitioner by their counsel Sri R.M.K. Chowdary that the respondents are providing them an alternative accommodation and therefore he wants to withdraw the Writ Petition, Permission corded, Dismissed as Withdrawn".*

*The property covered in instant case was not acquired under Land Acquisition Act. As the roads are very narrow and also rapid development of Temple City and to control the vehicular traffic near Jyothi theatre junction, the TID authorities have taken work for widening of Bhagavan Mahaveer Road near Jyothi Theatre for the convenient of public in the year 1989 and the project was completed in the year 1995. While widening of the road from Town Club to Alipiri, the structures of the petitioners along with others were evicted and compensation was paid by the Tirumala Tirupathi Devasthanam authorities.*

*Since the land is Government land and vested with the Government, and the petitioners have raised unauthorized structures by way of encroachment compensation was paid to the petitioners for the structure value as detailed below:-*

| <b>Sl. No.</b> | <b>Name of the Petitioner</b> | <b>Compensation Amount paid in Rs.</b> |
|----------------|-------------------------------|----------------------------------------|
| 1              | T.Vyjayanthimala              | 40,999                                 |
| 2              | T.Vishwanadham Chetty         | 51,808                                 |
| 3              | T.Vishwanadham Chetty         | 85,232                                 |

*At this juncture, 7 persons have filed W.P.No. 13446/2001 pleading to dispose of their petition dated 07-03-1995 for grant of house site and the said Writ petition was disposed on 04-07-2001 directing the R.D.O to take appropriate decision in the matter in accordance with law. The persons who belong to BPL families, who were displaced in the process of road widening, were provided alternative accommodation near Ramachandragunta and Bommagunta. As the petitioners come under shove poverty line and getting Income through their commercial complexes they have not been provided alternative accommodation.*

*In the year 2009, the petitioners have issued legal notice for provision of alternative accommodation and filed WP.No.16-140/2010 in Hon'ble High Court praying*

*(1) for grant of alternate neaccommodation available with I respondent /Tirumala Tirupathi Devasthanam or any other suitable sites in the residential cum commercial areas or zones in Tirupati Town for rehabilitation.*

*(2) for directing the respondents to pay compensation of Rs.18,00,000/-being the loss caused to them by way of rent and they were compelled to pay for their residence for 15 years.*

*(3) directing the respondents to pay compensation of Rs.30,00,000/- towards off setting extra cost construction material for the purpose of their rehabilitation.*

*A detailed counter affidavits have been filed by the respondents i.e TUDA, Tirumala Tirupathi Devasthanam and revenue authorities that the land is Government land and the petitioner have no right over the land and compensation with regard to structures has been paid to the petitioners and no alternative accommodation can be provided as per law.*

*The Hon'ble High Court of A.P. while disposing of W.P.No.16440 of 2010 in its orders dt:-4-6-2013 has directed the respondents to consider the legal notice dt 23-9-2009 taking into consideration of the order dt,4-7-2001 passed in W.P.No.13446 of 2001 and pass appropriate orders in accordance with law within a period of two months from the date of receipt of the order.*

*In the legal notice dt 23-9-2009, the petitioners requested to allot a suitable accommodation (site) in commercial area or zone in Tirupati Town.*

(2) for directing the respondents to pay compensation of Rs.18,00,000/-being the loss caused to them by way low of rent and by way of rent compelled to pay for their residence for 15 years,

In view of the above, case was taken on file by the District Collector, Chittoor and notices were issued to the petitioner and issued orders in Roc.E6/4939/2013 Dt:08.04.2015 as follows:

"In pursuance of the orders of Hon'ble High Court dt. 4.6.2013, the said legal notice dt. 23.9.2009 was examined. The writ petitioners/ petitioners have encroached the Government land and constructed commercial complex and letout for rent and therefore they are not eligible for compensation. The government is at liberty to resume the land for public purpose of any time without notice. Even if the land was taken under land acquisition, there is no provision in the Land Acquisition Act to provide alternate land as rehabilitation and only compensation will be paid to the pattadars if the land is acquired under the act. The land encroached by the petitioners are purely Government land and the petitioners come under Above Poverty line category and getting income through Commercial complexes. Further they have accepted that, they were in receipt of compensation for the structures they erected. Encroachers under APL category are not eligible for provision of alternate House sites on free of cost as per rules in force and the Revenue Divisional Officer, Tirupati is directed to take necessary action under sec. 3(1) of the A.P.Land Encroachment Act 1905.

Mean while CC No. 410/2014 was filed by the petitioners and the same was also closed 10-04-2015.

*Aggrieved by the above orders of the then District Collector, Chittoor in Roc.E6/4939/2013, Dated: 08.04.2015, Smt. T.Vyjayanthimala and another, Tirupati filed WP 15895/2015 before the Hon'ble High Court of AP and the same was disposed as stated above and enquiry has been taken up in the matter.*

*In pursuant to the orders of the Hon'ble High Court in W.P.16440/2010, the Executive Officer, Tirumala Tirupathi Devasthanam, Tirupati has also taken up enquiry and issued proceedings dt:- 25.03.2014 vide Roc.No. Prop.1/15140/AEO (Pro)/1983 to the petitioners declaring that, Tirumala Tirupathi Devasthanam has no obligation for allotting any alternate land to the petitioners in W.P.No.16440/2010 and the role of Tirumala Tirupathi Devasthanam is limited in to maintenance of road only, and the Specified authority in its resolution No.203 dt:26.05.2011 has resolved to scrap rehabilitation of displaced structure owners/ tenants whose properties were acquired and paid compensation. Further the petitioners have accepted that they were in receipt of compensation for the structures they erected.*

*Examined the entire matter, perused the connected records and documents filed by the petitioner's.*

*1) The contention of the petitioners is that they own 3 houses bearing D.No. 4-4-505A, 506A, 507 Nehru Nagar situated in Sy No. 949 of Tirupati have been removed for widening of road leading to Alipiri and that they were assured for providing of alternate site for the site lost by them.*

*2) Due to heavy pilgrimage traffic in Tirupati, the Govt., vide GO.Rt.No.2033 Municipal Administration DL31-12-1986 have issued orders to handover roads in Tirupati to T.T.D. Authorities for maintenance and development of roads among*

*which the road lending from Town Club to Alipiri is also included.*

*3) The T.T.D. has initiated to widen the road and during the widening some of the structures were identified in S.No.949 of Tirupati which is Government land classified as Govt UnAssessed Waste Dry and vest with Government.*

*4) Therefore either the petitioners or others have no right and title over the land. All the dwelling houses and structures located in the said Sy.No.949 were encroachments only.*

*5) While widening of the road from Town Club to Alipiri, the structures of the petitioners along with others were evicted and road was formed.*

*6) For the structures the assessed value was paid in the shape of compensation to all the displaced persons including present agitators.*

*7) The petitioners were paid compensation for structures @ Rs.40,999/- to T.Vyjanthimala and her husband T.Viswnadham Chetty Rs.1,37,140/- on 27-4-1995 and 27-2-1996.*

*8) At that juncture 7 persons have filed W.P.No.13446 of 2001 pleading to dispose of their petition dt.7-3-1995 for grant of house sites and the said writ petition was disposed of on 04-7-2001, directing the Revenue Divisional Officer, Tirupati to take appropriate decision in the matter in accordance with law.*

*9) Since the above seven displaced persons were eligible and belongs to below poverty line, they were provided house sites in S.No.951 of Tirupati which is a Govt., land classified as Government Un assessed waste on humanitarian grounds.*

*10) With regard to the present petitioners, as they have encroached upon the Government land in S.No.949 by constructing RCC building, Commercial complex in Cellar, and*

*Ground floor and residential dwellings in First and Second floors and let out cellar and ground floor for commercial purpose and running a liquor shop.*

*11) Even if the land is acquired under LA Act, there is no provision to provide alternate site to anybody as rehabilitation in accordance with Land Acquisition proceedings.*

*12) The Executive Officer, Tirumala Tirupathi Devasthanam in his proceedings dt.25-3-2014 vide Rec.No. Prop/15140/AEO (Prop)/1983 issued to the petitioners has clearly declared that, T.T.D. has no obligation for allotting any alternate land to the present petitioners and the role of T.T.D. is limited to maintenance of road only. and the Specified authority in its resolution No.203 dt.26-5-2011 has resolved to scrap rehabilitation of displaced structure owners/tenants whose properties were acquired and paid compensation.*

*13) The contention of the petitioners that, their vendors were granted house site pattas vide THS No. 1/91 dated 11-11-1981 for an extent of 0.04 cents, 0.03 cents and 0.05 cents in S.No. 949 with a condition that the same should not be alienated within ten years. Their vendors were in possession and enjoyment of the land, after the lapse of ten years he has purchased the sites under registered documents in the year 1992 and 1995 hence he became owner of the land. Basing on this point alone the Hon'ble High Court has set aside the orders dt:- 08-04-2015 of the then District Collector, Chittoor and remanded for re-consideration of the case.*

*14) In this context, it is pertinent to mention that House site pattas will be granted to Below poverty line people with a condition of non alienation and they should construct house within 6 to 12 months of grant of patta. There is no provision of alienation of house site after ten years during the year 1981 as*

*per rules, therefore it is proved that the said contention of the petitioners is a concocted one created for the purpose of the case. In fact the said house site pattas dated 11-11-1981 are non existing, fabricated and not emanated from official records.*

***15) The petitioner misled the Hon'ble High Court by producing non existing and fabricated documents. Believing that the said documents are genuine the Hon'ble High Court has issued orders, but whereas there are no such documents/pattas existing arid emanated from official records. Whatever the transactions made basing on those non existing and fabricated pattas are null and void and does not confer any right as the land is Government land.***

***16) In the previous enquiry, the petitioner has not came out with the above contention, the petitioner with a pre occupied mind has produced the non existing pattas and purported sale deeds and mislead the Hon'ble High Court.***

***17) The petitioner is not entitled for relief, on par with aggrieved person W.P.No. 13446/2021, as he belongs to APL, category and not eligible for grant of house site patta.***

***18) By virtue of sale proceedings or registered transactions without having right and title, are invalid and cannot get any right over the land. The orders obtained by the petitioners by suppressing the material facts and without any merits.***

***19) With regard to such unlawful transactions over the Govt lands, the Hon'ble High Court has held that,***

***"it is well settled that mere registration of a document does not confer any warranty of title and mere***

*registration by itself would not affect the interest of the Govt., if any, in any particular property."*

*In the reference 4<sup>th</sup> cited, the R.D.O, Tirupati has clearly mentioned in his report that, the writ petitioners are encroachers in Sy.No.949, classified as Gayalu (UAW) of Tirupati Village by way of dwelling houses and the Tirumala Tirupathi Devasthanam authorities have paid compensation for the structures and the applicants belongs to APL category and also there is no provision or act to provide alternate site to the encroachers in accordance with the existing Land Acquisition Proceedings.*

*In the light of the above facts and circumstances and in obedience to the orders of the Hon'ble High Court the request of the petitioners has reconsidered and after detailed; examination of the facts, thorough scrutiny of the records and also basing on the report of the Revenue Divisional Officer, Tirupati, the request of the petitioners for grant of alternate, site shall not be considered due to the following reasons:*

- *As per Village accounts of Tirupati Urban Mandal, land in Town Survey No.949 admeasuring an extent of 18.20 cents is classified as Gayalu Poramboke.*
- ***The land was not assigned /allotted to anybody and vested with Government.***
- ***The Writ petitioners have encroached the Government land and constructed Commercial building in Cellar, Ground Floor residential building in First and Second floors with R.C.C.structures and also let out to rent in Cellar and ground floor for shop rooms and also let out A.C.C.Sheet shed shop rooms and was running " liquor shop".***

- *The said buildings ate encroachments on the road margins situated Nehru Nagar, Tirupati Town.*
- *The T.T.D. has initiated to widen the road, while widening of the rood from Town Club to Alipiri, the structures of the petitioners along with others were evicted and road was formed.*
- *The petitioners were paid compensation for structures @ Rs.40,999/-to T.Vyjanthimala and Rs.1,37,140/- to T.Viswnadham chatty on 27-4-1995 and 27-2-1996,*
- *The Executive Officer, Tirumala Tirupathi Devasthanam in his proceedings 61.25-3-2014 vide Roc.No.Prop/15140/AEO(Prop)/1983 issued to the petitioners has clearly declared that, T.T.D. has no obligation for allotting any alternate land to the present petitioners and the role of T.T.D. is limited to maintenance of road only.*
- ***Even if the land is acquired under LA Act, there is no provision to provide alternate site to anybody as rehabilitation in accordance with Land Acquisition proceedings.***

*In view of the above enumerated facts the petitioner cannot get any relief since the land is Government land, and they were paid compensation for the structures which were raised duly encroached the Government land. As the petitioners belongs to above poverty line and not eligible for grant of house site an per provisions of the governed laws. Hence the request of the petitioners for grand of alternate site shall not be considered.*

*These orders are issued in strict compliance of the orders passed by the Hon'ble High Court in WP No.15895 of 2015".*

48. The District Collector thus recorded specific reasons for rejecting the writ petitioners' claim for allotment of an alternate site.

49. From the aforesaid, it is evident that the District Collector, in his order, clearly observed that, in the case of the seven petitioners, who had filed W.P.No.13446 of 2001 (and the other transferred writ petitioners), the claims were required to be considered in the light of the order dated 04.07.2001 passed in W.P.No.13446 of 2001. There were proceedings of the Revenue Divisional Officer for taking decision regarding allotment of alternate sites, as they belonged to 'below-poverty-line families', and had been displaced on account of road widening. The case of the writ petitioners (present respondent Nos. 1 and 2 herein) was found to be different and distinct, they being encroachers of the Government land.

50. The writ petitioners did not challenge the order dated 28.11.2023 passed by the District Collector rejecting their prayer for an alternate site.

51. The learned Government Pleader submitted that the writ appellants had complied with the order passed by the Writ Court in writ petition by passing a reasoned order, taking into consideration the relevant material, the relevant aspects, and the orders passed by the Writ Court in Writ Petition No. 13446 of 2001 and the order of the District Collector not having been challenged, in fact, there was no need for the present writ appellants to file the present writ appeal but the Writ petitioners are continuing with the contempt proceedings initiated against the writ appellants. So the State considered it

appropriate to challenge the judgment dated 28.11.2023 passed in the Writ Petition No.15895 of 2015.

52. The State then filed I.A.No.1 of 2025 in W.P.No.15895 of 2015, seeking review of the order dated 28.11.2023; however, the same was rejected by order dated 17.04.2026 passed by the learned Single Judge.

53. The Review petition was dismissed, but, with liberty to the writ appellants to prefer a writ appeal against the order passed in the writ petition, if they were aggrieved. The relevant part of the order dated 17.04.2026 under review is reproduced from paragraphs 12 to 14, as follows:

*“12. Further, discovery of any new fact or evidence necessarily has to be an important or relevant factor to the extent that had it been brought on record at the time when the order was passed, it would have an impact and might have altered the decision. Moreover, absence of such important fact or evidence on record at the time of decision, must not be the result of negligent attitude of the concerned person and therefore such person applying for review is required by law to strictly prove that such fact or evidence was not within his knowledge or could not be adduced, even after exercising due diligence and unless such proof is produced, review application shall not be entertained.*

*13. The grounds of review in the present case does not satisfy the requirements of review as there is no error apparent on the face of the record and it is nothing but a desperate attempt of the review petitioner for re-appreciating the case afresh under the guise of review and the same is not permissible in Law.*

***14. In the light of the above stated legal position and for conclusions recorded supra, this Court is not inclined to entertain the Review I.A.No.1 of 2025 in W.P.No.15895 of 2015 and the same is accordingly dismissed with a liberty to the petitioners to prefer a writ appeal against the said order if at all the petitioners are aggrieved. No costs.”***

54. Thereafter, the State filed the present writ appeals, one challenging the order passed in the review application (Writ Appeal No.1064 of 2026) and the other (Writ Appeal No.1011 of 2026) challenging the judgment passed in the writ petition, with application for condonation of delay being **I.A.No.1 of 2026 in filing the Writ Appeal No. 1011 of 2026.**

55. An objection has been raised by the learned counsel for the writ petitioners (Respondent Nos. 1 and 2 in writ appeal) that the writ appeal No.1011 of 2026 is barred by limitation. There is no sufficient cause for condoning the delay. The application for condonation of delay deserves to be rejected. The writ appeal No. 1011 of 2026 deserves to be dismissed as barred by limitation.

56. In response, the learned Government Pleader submitted that specific reasons, constituting sufficient cause for condoning the delay, have been stated. The appellants had complied with the order passed by the learned Single Judge, as the District Collector had passed a reasoned order dated 28.11.2023. So the appellants did not prefer the appeal at the initial stage against the order passed in the writ petition. However, when, despite such compliance, the writ petitioners are proceeding in the contempt petition,

review petition was preferred, which having been dismissed but, with liberty by the learned Single Judge to file writ appeal, the writ appeals were filed. Learned Government Pleader submitted that, consequently, it could not be said that there was an unexplained delay in filing the writ appeal.

57. We have heard the learned counsels for the petitioners on I.A.No.1 of 2026 and also on merits of the appeals and perused the material available on record.

58. In the present case, the dispute relates to the Government land. It deserves to be adjudicated on merits in the larger public interest. Ultimately, if delay is not condoned, sufferer would be public interest. An individual cannot be allowed to gain at the cost of the public interest, because of delay in preferring the appeal by the government, if the individual has no legal right, interest or title otherwise. This requires to be determined by condonation of delay as the stand of the state is that no assignment of government land was made in favour of the alleged transferor of the Respondent Nos. 1 and 2.

59. The law is well settled on condonation of delay when in a litigation government is a party. In **G. Ramegowda, Major v. Special Land Acquisition Officer, Bangalore**<sup>1</sup> the Hon'ble Apex Court held as under:

*“15. In litigations to which Government is a party there is yet another aspect which, perhaps, cannot be ignored. If appeals brought by Government are lost for such defaults, no person is individually affected; but what, in the ultimate analysis, suffers is public interest. The decisions of Government are collective and institutional decisions and do*

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<sup>1</sup> (1988) 2 SCC 142

*not share the characteristics of decisions of private individuals.*

*This extract is taken from G. Ramegowda v. Land Acquisition Officer, (1988) 2 SCC 142 : 1988 SCC OnLine SC 107 at page 148*

*16. The law of limitation is, no doubt, the same for a private citizen as for governmental authorities. Government, like any other litigant must take responsibility for the acts or omissions of its officers. But a somewhat different complexion is imparted to the matter where Government makes out a case where public interest was shown to have suffered owing to acts of fraud or bad faith on the part of its officers or agents and where the officers were clearly at cross-purposes with it.*

*This extract is taken from G. Ramegowda v. Land Acquisition Officer, (1988) 2 SCC 142 : 1988 SCC OnLine SC 107 at page 148*

*17. Therefore, in assessing what, in a particular case, constitutes "sufficient cause" for purposes of Section 5, it might, perhaps, be somewhat unrealistic to exclude from the considerations that go into the judicial verdict, these factors which are peculiar to and characteristic of the functioning of the government. Governmental decisions are proverbially slow encumbered, as they are, by a considerable degree of procedural red tape in the process of their making. A certain amount of latitude is, therefore, not impermissible. It is rightly said that those who bear responsibility of Government must have "a little play at the joints". Due recognition of these limitations on governmental functioning — of course, within reasonable limits — is necessary if the judicial approach is not to be rendered unrealistic. It would, perhaps, be unfair*

*and unrealistic to put government and private parties on the same footing in all respects in such matters. Implicit in the very nature of governmental functioning is procedural delay incidental to the decision-making process. In the opinion of the High Court, the conduct of the law officers of the Government placed the Government in a predicament and that it was one of those cases where the mala fides of the officers should not be imputed to Government. It relied upon and trusted its law officers. Lindley, M.R., in the In re National Bank of Wales Ltd. [LR (1899) 2 Ch 629, 673] observed, though in a different context:*

*“Business cannot be carried on upon principles of distrust. Men in responsible positions must be trusted by those above them, as well as by those below them, until there is reason to distrust them.”*

*In the opinion of the High Court, it took quite some time for the government to realise that the law officers failed that trust.”*

60. In ***The State of Haryana v. Chandra Mani and others***<sup>2</sup> the Hon’ble Apex Court held that when the State is an applicant, praying for condonation of delay, it is common knowledge that on account of impersonal machinery and the inherited bureaucratic methodology imbued with the note making, file pushing, and passing on the buck ethos, delay on the part of the State is less difficult to understand though more difficult to approve, but the State represents collective cause of the community. It is axiomatic that decisions are taken by officers/agencies proverbially at slow pace and

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<sup>2</sup> (1996) 3 SCC 132

encumbered process of pushing the files from table to table and keeping it on table for considerable time causing delay intentional or otherwise is a routine. Considerable delay of procedural red tape in the process of their making decision is a common feature. Therefore, certain amount of latitude is not impermissible. If the appeals brought by the State are lost for such default no person is individually affected but what in the ultimate analysis suffers, is public interest. The expression “sufficient cause” should, therefore, be considered with pragmatism in justice oriented approach rather than the technical detection of sufficient cause for explaining every day’s delay.

61. In ***Executive Officer, Antiyur Town Panchayat v. G. Arumugam***<sup>3</sup> it was held that the Court must always take a justice oriented approach while considering an application for condonation of delay. If the Court is convinced that there had been an attempt on the part of the government officials or public servants to defeat justice by causing delay, the Court, in view of the larger public interest, should take a lenient view in such situations, and condone the delay, howsoever huge may be the delay, and have the matter decided on merits.

62. The learned counsel for respondent Nos.1 and 2 placed reliance on ***Israr Ahmad Khan v. Amarnath Prasad*** (paras 26 to 30) and submitted that the delay in filing the appeal is not liable to be condoned, since a contempt petition has already been filed and the contempt proceedings are pending. Paragraphs 26 to 30, read as under:

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<sup>3</sup> (2015) 3 SCC 569

*“26. As pointed out in **Subedar Devassy PV (supra)**, if an alleged contemnor is of the view that the Order apropos which contempt is alleged is, inter alia, impracticable or impossible, it will have to take recourse to appropriate proceedings. We may add that a defence of administrative hurdles or even impossibility to perform what has been ordered, may not be open to an alleged contemnor, if he/she has not moved the appropriate Court by recourse to appropriate proceedings in time, promptly and within the prescribed period of limitation, subject to condonation, if and as applicable, on sufficient cause being shown. As narrated above, even the defective Review Petition in the present case was filed after lapse of time granted for implementation/obedience of the Order dated 20.05.2025. We say no more on this count.*

**BELATED/DELAYED APPEALS TO DELAY/DEFEAT IMPLEMENTATION:**

*27. Delayed filing of appeals should be the exception, but in recent times, the exception has practically evolved to become the rule. Orders passed by the Courts are not complied with for a long time, and when Contempt Petitions are filed, belated appeals, with tremendous delay, are preferred.*

*28. The (alleged) continuing contumacious conduct of the defaulting party is sought to be justified on the mere production of a Diary/Filing/Stamp Reporting Number showing that an appeal has been preferred, so as to obtain multiple adjournments in contempt matters.*

*29. We, in no uncertain terms, deprecate these practices. It is felt that by such modus operandi, disobedient litigants act brazenly which has the further effect of bringing down the authority and majesty of the Courts and the rule of law, interfering in the*

*administration of justice. The same may well, in certain situations, border on criminal contempt.”*

*30. The High Courts should deal with such unscrupulous litigants, moreso when they happen to be ‘State’, within the meaning of Article 12 of the Constitution, or like bodies, with an iron hand. Unless the High Courts, so also this Court deal with these aspects firmly, we run the clear risk of erosion of the unflinching faith that the ordinary litigants of this country repose in the Judiciary at all levels. It is the solemn duty of all of us manning the Courts across the hierarchy to ensure that the public faith never wavers.”*

63. In ***Israr Ahmad Khan v. Amarnath Prasad (supra)***, it was observed that, the filing of appeals after a considerable delay should be an exception. The facts of the present case and the public interest involved, as the matter pertains to the government land, we are of the view that this case certainly falls within the exceptional cases to condone the delay in filing appeal.

64. There can be no dispute that, the Government should not wait for contempt proceedings to be initiated before taking steps to challenge the order in appeal. However, the filing of a contempt case, does not debar the Government from taking legal remedies, including filing of an appeal. In the event of delay, if sufficient cause is shown, the Appellate Court would be well within its jurisdiction to condone the delay, even in cases where contempt proceedings have already been initiated.

65. In the facts and circumstances of this case, the failure to prefer a timely appeal against the order dated 28.11.2023 passed in the writ petition No. 15895 of 2015, is not without sufficient cause or explanation. There was no such inaction or negligence on the part of the writ appellants, so as to refuse condonation of delay.

66. We are of the view that, the delay in filing Writ Appeal No.1011 of 2026 deserves to be condoned and is accordingly condoned.

67. **On merits** we find that, Writ Petition No.10304 of 1994 filed by the writ petitioners (respondent Nos.1 and 2 herein) was dismissed as withdrawn by order dated 28.03.1995 and any liberty to file a fresh writ petition was not granted. The order dated 28.03.1995 in W.P.No.10304 of 1994 mentioned “It is reported on behalf of the petitioners by their counsel Sri M.R.K. Choudhary that the respondents are provided accommodation and, therefore, he wants to withdraw the writ petition,”. It is only the submission of the learned counsel for the petitioners herein but no material has been brought on record to substantiate that any such undertaking or assurance was given to provide the alternate accommodation for withdrawal of the writ petition.

68. In ***Sarguja Transport Service v. State Transport Appellate Tribunal, M.P. Gwalior and Others***<sup>4</sup> the point for consideration was whether a petitioner after withdrawing a writ petition filed by him in the High Court under Article 226 of the Constitution of India without the permission to institute a fresh petition can file a fresh writ petition in the High Court. It was held that

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<sup>4</sup> (1987) 1 SCC 5

while the withdrawal of a writ petition filed in a High Court without permission to file a fresh writ petition may not bar other remedies like a suit or a petition under Article 32 of the Constitution of India since such withdrawal does not amount to *res judicata*, the remedy under Article 226 of the Constitution of India should be deemed to have been abandoned by the petitioner in respect of the cause of action relied on in the writ petition when he withdraws it without such permission.

69. In the present case, the petition filed subsequently, after the withdrawal of the writ petition related to the same subject.

70. We also find that in Writ Petition No.10304 of 1994 or in Writ Petition No.16440 of 2010, there is no determination in favour of the writ petitioners of their any alleged right to an alternative site or accommodation. In Writ Petition No.16440 of 2010, the learned Single Judge only directed the authorities to consider the legal notice dated 23.09.2009, the order dated 04.07.2001 passed in Writ Petition No.13446 of 2001 and to pass appropriate orders, on consideration of which the District Collector passed the order dated 08.04.2015 assigning the reasons and rejecting the claim. The Writ Petition No.13446 of 2001 related to seven other writ petitioners, in which, there were proceedings by the RDO on 19.10.1995, whereas, there are no such proceedings in favour of the (respondent Nos.1 and 2) petitioners of WP.No.16440 of 2010, on which there is no dispute.

71. The Tirumala Tirupati Devasthanams had previously passed proceedings dated 23.04.2014 against respondent Nos.1 and 2, but they did not challenge that order dated 23.04.2014.

72. Further, the District Collector rejected, the claim of respondent Nos.1 and 2 herein, on merits vide order dated 08.04.2015 on the grounds that, they were encroachers of the Government land and had raised construction thereon, which was subsequently demolished, and compensation had been paid to them for demolition of the construction. They were not the landowners but encroachers and were also 'above the poverty line'. The seven writ petitioners of W.P.No. 13446 of 2001 were 'below poverty line'. There was no question of granting compensation for the land or an alternative site. The order of the District Collector in Roc.No.E6/4939/2013, dated 08.04.2015, has been set aside in Writ Petition No.15895 of 2015 by order dated 14.11.2022 under challenge in the writ appeal, but we find that insofar as the findings recorded by the District Collector, against respondent Nos.1 and 2 are concerned, those have not been reversed. There is no contrary finding in the order of the learned Single Judge that the Respondent Nos. 1 and 2 are not the encroachers or that the land is not the government land or that they are also 'below poverty line' like the seven writ petitioners of W.P.No.13446 of 2001.

73. In the impugned judgment, the learned Single Judge proceeded on the basis of the following observation, which indicates that the petition was allowed on the premise that it was an admitted case that the writ petitioners

were the absolute owners. Para No.5 of the impugned judgment is reproduced hereunder:

“5. However, it is an admitted fact that the petitioners are absolute owners of the subject buildings, having purchased the same through a registered sale deed and they are entitled on par with the aggrieved persons in W.P.No.13446 of 2001.”

74. We are of the view that it was not an admitted fact by the State that, the petitioners were the absolute owners. Even if no counter affidavit was filed in the writ petition, in view of the order of the District Collector under challenge in the writ petition and the findings recorded, it could not be an admitted case that the petitioners were the absolute owners.

75. The learned counsel for the writ petitioners placed reliance in **Satish V.K. v. Federal Bank Limited (2025)**<sup>5</sup> particularly paragraphs 23 to 25, which read as under:

*"23. That no appeal lies from an order rejecting a petition for review is clear from the plain language of Order XLVII Rule 7(1), CPC. We need not burden this judgment by referring to any authority on this point.*

*24. However, the principle underlying Order XLVII Rule 7(1), CPC may be understood. Whenever a party aggrieved by a decree or order seeks a review thereof, he is basically asking the court which passed the decree or order to have a re-look at it for correcting an error apparent on the face of the record. The court, by rejecting the petition for review, refuses to take a re-look. The consequence of such rejection is that the original decree or order remains unaffected and valid.*

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<sup>5</sup> 2025 SCC Online SC 2046

*25. Therefore, if a party has already carried the original decree or order to the higher court and has failed, or if he elects not to challenge the original decree or order but chooses only to challenge the order rejecting the review petition, the higher court will not entertain an appeal against the order rejecting the review petition because that would amount to doing indirectly what cannot be done directly. A party cannot be permitted to circumvent the law by challenging the order rejecting the review petition when the original order has either been upheld or has been abandoned by him."*

76. Based on **Satish V.K. (Supra)**, the learned counsel for the writ petitioners submitted that no appeal lies against an order rejecting a review petition under Order XLVII Rule 7(1)CPC. There is no dispute on the proposition of law that on dismissal of the review petition there can be no merger of the decree or order in the review order, and, consequently, the aggrieved party has to challenge the decree or order, as the case may be, passed in suit or/and appeal, and not merely the order rejecting the review petition.

77. In the present case, firstly, the writ appeal(s) are not governed by order XLVII Rule 7(1) of CPC. The writ proceedings or the writ appeal(s) arising of the writ proceedings are not the 'proceedings' within the meaning of Section 141 of the CPC. Secondly, the State, has filed one writ appeal against the order passed in the writ petition and the other writ appeal challenging the order passed in the review petition. So, this is not a case where an appeal has been filed only against the order passed in the review and no appeal against the decree or order in the main writ petition. The

judgment in **Satish V.K.(supra)** is of no assistance to the respondent Nos.1 and 2.

78. On the aforesaid consideration of the matter, we are, therefore, of the view that the matter requires fresh consideration after setting aside the impugned order passed in the Writ Petition No.15895 of 2015.

79. Accordingly, the writ appeal No. 1011 of 2026 is allowed and the order dated 14.11.2022 is set aside. Since the writ appeal has been allowed, the order passed in the review petition is also set aside, and Writ Appeal No. 1064 of 2026 is also allowed.

80. The writ petition No.15895 of 2015 is restored to its original number. The writ appellants shall file their counter in the writ petition. The writ petitioners are also at liberty, if so advised, to challenge the order of the District Collector dated 28.11.2023 in appropriate proceedings.

No order as to costs.

Consequently, pending miscellaneous applications, if any, shall stand closed.

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**RAVI NATH TILHARI, J**

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**ALAPATI GIRIDHAR, J**

Date:10.10.2026

LR copy to be marked

B/o.

CHD

**Whether the order is :**

Speaking Yes/No / Reasoned Yes/No

Reportable Yes/No / Non-Reportable Yes/No

THE HONOURABLE SRI JUSTICE RAVI NATH TILHARI  
THE HONOURABLE SRI JUSTICE ALAPATI GIRIDHAR

**WRIT APPEAL Nos:1011 & 1064 OF 2026**

Date: 10.10.2026

CHD