

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

**CIVIL APPEAL NO. _____/2026
[ARISING OUT OF Special Leave PETITION (CIVIL)
NO.4702/2024]**

THE DISTRICT COLLECTOR & ORS.

RESPONDENT(S)

VERSUS

P. GUNAVATHI & ORS.

RESPONDENT(S)

O R D E R

1. Leave granted.
2. Heard learned counsel for the parties.
3. This appeal impugns judgment and order of the Division Bench of the High Court¹ dated 25.08.2022 in Writ Appeal No.408 of 2013, whereby the Writ Appeal was allowed and the order of the learned Single Judge dated 18.12.2012, passed in Writ Petition (C) No.4274 of 2009, was set aside.
4. In short, the facts are as under:
5. The predecessor-in-interest of the first respondent applied under Section 11(a) of the Andhra Pradesh (Andhra Area) Estates (Abolition and Conversion into Ryotwari) Act, 1948 ('1948 Act') to claim ryotwari patta over 12-50 cents in Paimash No.394, R.S.No.33 of

1 1 High Court of Andhra Pradesh at Amrawati

Mangalam Village, Tirupathi Urban Mandal, Chittoor District. The Settlement Officer, Nellore allowed the application and, vide order dated 12.06.1986, granted ryotwari patta. Aggrieved therewith, a revision petition was filed by the District Collector, Chittoor under Section 5(2) of the 1948 Act before the Commissioner and Director of Settlements, Hyderabad, Andhra Pradesh. The said revision petition was dismissed. Aggrieved therewith, a revision was preferred by Mandal Revenue Officer before the Commissioner of Appeals. This too was dismissed. Impugning the orders of the Settlement Officer, Commissioner and Director of Settlements and the Commissioner of Appeals, a Writ Petition was presented before a Single Judge of the High Court. The learned Single Judge took the view that the application of the first respondent itself disclosed that land i.e., Survey No.33, over which rights were claimed, was wrongly classified as *Chennaiah Kunta Cheruvu* (Tank Bed). Section 3 (16) of the Andhra Pradesh (Andhra Area) Estates Land Act, 1908, ('1908 Act') defines 'ryoti land'. As per the definition, 'ryoti land' does not include 'beds and bunds' of tanks. Since in the records the land in question was classified as

Chennaiah Kunta Cheruvu, which means tank bed, unless the said classification is determined incorrect, the Settlement Officer would derive no jurisdiction to grant 'ryotwari patta'. Consequently, the learned Single Judge set aside the orders of the three subordinate authorities and remanded the matter to the Settlement Officer by observing as under:

"Grant of 'ryotwari' patta under Section 11(a) of the Act, 1948, is in respect of ryoti lands. As per the resurvey, Survey No.33 is classified as *Chennaiah Kunta Cheruvu*. Unless the classification is found to be incorrect, question of granting patta, even if it is presumed that the parents of Polakala Kuppuswamy cultivated the lands, does not arise. First the primary authority must decide whether the classification of the land bearing survey No.33 as *Chennaiah Kunta Cheruvu* is incorrect. If the classification is found to be incorrect, then the issue whether deceased - 4th respondent - Polakala Kuppuswamy is entitled for 'ryotwari' patta can be considered. The primary authority and the revisional authorities side-tracked the issue and mainly concentrated on the aspect of the possession of the land. Therefore, I am of the view that the orders passed by the primary authority and the revisional authorities cannot be sustained and accordingly, the same are hereby set aside remanding the matter back to the primary authority i.e. the Settlement Officer, Nellore, to consider the issue whether the classification of Survey No.33 as *Chennaiah Kunta Cheruvu* in the resurvey is incorrect. After recording the finding on the issue, the Settlement Officer has to decide whether

deceased - 4th respondent - Polakala
Kuppuswamy is entitled to grant of
'ryotwari' patta in respect of Ac.12.50
cents in Survey No.33"

6. In the writ appeal filed against the order of the learned Single Judge of the High Court, the writ appellant i.e., the first respondent took a plea that the State respondent had placed no documents on record to substantiate that the subject land is tank bed, therefore there was no justification for the learned Single Judge to set aside the orders passed by the three subordinate authorities passed on appreciation of the evidence on record.
7. The Division Bench allowed the writ appeal by the impugned judgment and, in paragraph 11 of the impugned judgment, observed that from a reading of the order of the Settlement Officer it is clear that except filing a counter affidavit, no documentary evidence was placed on record by the Mandal Revenue Officer to substantiate the plea of the Department; besides, despite sufficient time being granted to them and in spite of several reminders, the Department failed to produce documents and pre-abolition records, therefore, finding of fact, based on consideration of the materials placed on record, was not liable to be

interfered with by the High Court in exercise of writ jurisdiction. Accordingly, the Division Bench set aside the order passed by the learned Single Judge of the High Court.

8. Questioning the order passed by the Division Bench of the High Court, the learned counsel for the appellant submitted that grant of 'ryotwari' patta could only be over 'Ryoti' land. 'Ryoti' land would not include a 'tank bed'. Therefore, once the applicant, in its application, stated that the land has been wrongly classified as 'tank bed', the authority would not have had jurisdiction to proceed further on the application for grant of 'ryotwari' patta without first determining the jurisdictional issue, that is, whether the land is 'ryoti' land or not, particularly when it is classified as 'tank bed'. It was contended that in absence of such determination, the learned Single Judge was justified in setting aside the order of the Revenue Authorities and remanding the matter for fresh consideration.

9. *Per contra*, Mr. Vikas Singh, learned Senior Counsel, appearing for the first respondent, submitted that the Commissioner of Appeals had noticed that the survey maps indicated presence of tank over Survey no.176 and

not Survey No.33 in respect of which the application was submitted for 'ryotwari' patta. Once the final court of fact had come to the conclusion that the land was not shown as 'tank bed' in the survey maps, there was no justification for the learned Single Judge to remand the matter for a fresh determination, particularly when no documents were produced by the Department as regards the classification of the land on the date of abolition of estates.

10. We have considered the rival submissions and have perused the materials available on record.
11. A perusal of the order of the Settlement Officer would indicate that the own stand of the first respondent, in its application for seeking ryotwari patta, was to the effect that the Department had been wrongly treating the subject land as tank poramboke and that the survey authorities had wrongly classified the land as tank poramboke.
12. Admittedly, the original records in respect of entries prior to the abolition of estates were not produced in the proceedings. They have also not been produced before us. Therefore, what is relevant is that the case of the respondent had been that the subject land was wrongly classified as 'tank bed' or 'tank

poramboke, by whatever name it be called. It is not in issue that 'ryotwari' patta could only be granted over 'ryoti' land. Further, it is not in issue that 'ryoti land' would not include a tank bed. In such a scenario, when from the own case of the respondent the land was classified as "Tank Bed", without determining whether such classification of subject land was erroneous, the Settlement Officer would not derive jurisdiction to grant "ryotwari" patta. It is on that very ground, the learned Single Judge of the High Court remanded the matter for a fresh adjudication.

13. It is well settled that in a legal proceeding whenever a jurisdictional issue arises for consideration, the authorities cannot proceed further without addressing and determining the same.
14. As we do not find any specific finding that the classification of the subject land entered in the revenue records is erroneous, or that the subject land is not classified as 'Tank Bed', the remand of the matter to the subordinate authorities to first address the jurisdictional issue appears justified. We are, therefore, of the view that the Division Bench of the High Court committed serious error in setting aside the order of the learned Single Judge which merely

remanded the matter to the subordinate authorities to first address the jurisdictional issue. Accordingly, the appeal is allowed. The impugned order is set aside and the order passed by the learned Single Judge of the High Court is restored. All contentions are kept open for the parties to raise in the proceedings to be conducted pursuant to the order of remand.

15. As the subject proceedings were initiated several decades back, the concerned authority to which the matter has been remanded shall ensure that the proceedings are decided in terms of the order of remand expeditiously, preferably, within a period of nine months from the date a certified copy of this order is placed before the authority concerned.

16. Pending application(s), if any, shall stand disposed of.

.....J
[MANOJ MISRA]

.....J
[VIJAY BISHNOI]

New Delhi
July 20, 2026

ITEM NO.41

COURT NO.10

SECTION XII-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

PETITION FOR SPECIAL LEAVE TO APPEAL (C) NO.4702/2024

[Arising out of impugned final judgment and order dated 25-08-2022 in WA No. 408/2013 passed by the High Court of Andhra Pradesh at Amravati]

THE DISTRICT COLLECTOR & ORS.

Petitioner(s)

VERSUS

P. GUNAVATHI & ORS.

Respondent(s)

IA No. 24641/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 26505/2024 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No. 64311/2024 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

Date : 20-07-2026 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE MANOJ MISRA
HON'BLE MR. JUSTICE VIJAY BISHNOI

For Petitioner(s) :Ms. Prerna Singh, Adv.
Mr. Guntur Pramod Kumar, AOR
Mr. Dhruv Yadav, Adv.

For Respondent(s) :Mr. Vikas Singh, Sr. Adv.
Mr. V. Sridhar Reddy, Adv.
Mr. K. Sarat Kumar Raju, Adv.
Mr. Syed Khader Mohideen, Adv.
Mr. Abhijit Sengupta, AOR
Mr. Navneet Singh, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. Leave granted.
2. The appeal is allowed in terms of the signed order which is placed on the file.
3. Pending application(s), if any, shall stand disposed of.

(KAVITA PAHUJA)
ASTT. REGISTRAR-cum-PS

(DIVYA BABBAR)
COURT MASTER (NSH)