

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

**MONDAY, THE THIRTY FIRST DAY OF JULY
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HON'BLE SRI JUSTICE NINALA JAYASURYA

WRIT PETITION NO: 16676 OF 2023



Between:

Palempalle Shankar Reddy, S/o. Subba Reddy, Aged 62 years, Occ: Cultivation,
R/o. Door No.4/44, Nallapureddy palle Village, Thollaganganapalle Panchayat, Vallur
Mandal, Y.S.R.Kadapa District.

...PETITIONER

AND

1. The State of Andhra Pradesh, Rep.by its Principal Secretary to Government, Revenue Department, Secretariat, Velagapudi, Amaravati, Guntur District.
2. The District Collector, Y.S.R.Kadapa District at Kadapa.
3. The Revenue Divisional Officer, Kadapa Revenue Division, Y.S.R. Kadapa District.
4. The Tahsildar, Vallur Mandal, Y.S.R. Kadapa District.
5. The Assistant Director, District Survey and Land Records, New Collectorate, Kadapa, Y.S.R.Kadapa District.
6. The Mandal Surveyor, Vallur Mandal, Y.S.R. Kadapa District.
7. The Ward Surveyor, O/o. Grama Sachivalayam, Nallapureddy palle Village, Thollaganganapalle Panchayat, Vallur Mandal, Y.S.R.Kadapa District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of respondents in contemplating to demolish petitioner's Building property bearing Door No. 4/44 situated in Sy.No. 87 and 121 of Nallapureddy palle Village, Thollaganganapalle Panchayat, Vallur Mandal, Y.S.R.Kadapa District further insisting petitioner to vacate from his said house and enclosed site properties, even without issuing any notice to that effect, as illegal, irregular, irrational, without any authority or sanction of law and violative of Articles 14, 21 and 300-A of Constitution of India and consequently direct the respondents not to interfere in any manner with petitioner's peaceful possession and enjoyment of his aforesaid building and enclosed site properties nor demolish any portion thereof.

IA NO: 1 OF 2023

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct the respondents not to interfere in any manner with petitioner's peaceful possession and enjoyment of his building property bearing Door No. 4/44 and enclosed site properties situated in Sy.No. 87 and 121 of Nallapureddypalle Village, Thollaganganapalle Panchayat, Vallur Mandal, Y.S.R.Kadapa District nor demolish any portion thereof, pending disposal of the main Writ Petition.

Counsel for the Petitioner : SRI C.RAJENDRA

Counsel for the Respondents: GP FOR REVENUE

The Court made the following: ORDER

IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI

THE HON'BLE SRI JUSTICE NINALA JAYASURYA

WRIT PETITION No.16676 OF 2023

Between:-

Palempalle Shankar Reddy

... Petitioner

and

The State of Andhra Pradesh, rep. by its Principal Secretary,
Revenue Department, and others

... Respondents

Counsel for petitioner : Mr.Chandragiri Rajendra

Counsel for respondents: The G.P. for Revenue

ORDER:

Heard the learned counsel for the petitioner and learned Assistant Government Pleader for Revenue appearing for the respondents. With their consent, the writ petition is disposed of, at the stage of admission.

2. Seeking to declare the action of the respondents in contemplating to demolish the petitioner's building and insisting the petitioner to vacate from the same without issuing any notice as illegal, arbitrary, without any authority or sanction of law, the present writ petition is

filed seeking a direction to the respondents not to interfere with the subject matter building.

3. Learned counsel for the petitioner, with reference to the averments made in the writ petition and the material filed along with the same, tried to impress upon this Court that the alleged action of the respondents in trying to dispossess the petitioner from the subject matter property by resorting to demolition is not sustainable in law. He submits that no notice or opportunity was afforded to the petitioner and the respondent Authorities are acting in high handed manner and therefore, the petitioner is constrained to approach this Court. Learned counsel also states that after the writ petition is filed and an interim order of *status quo* was granted on 10.7.2023, the 4th respondent served a notice on the petitioner's son on 05.7.2023 and that the said notice is vague and lacking any material particulars. However, the learned counsel fairly submits that to the said notice dated 05.7.2023, the petitioner submitted his explanation on 15.7.2023. He further submits that the respondents, more particularly

the 4th respondent, due to the reasons best known to him, is inclined to take coercive action against the subject matter property without considering the reply submitted by the petitioner.

4. Learned Assistant Government Pleader, on the other hand, submits that if the petitioner had submitted reply, as stated by the learned counsel for the petitioner, the 4th respondent would take necessary action in the matter after due consideration of the same and pass necessary orders in accordance with law.

5. Considering the submissions made, this Court deems it not necessary to further examine the matter, more particularly as the 4th respondent had issued a notice and the petitioner submitted explanation, and it is for the 4th respondent to pass appropriate orders in accordance with Law.

6. Therefore, the writ petition is disposed of, with a direction to the 4th respondent to pass orders considering the explanation submitted by the petitioner to the notice

dated 05.7.2023, in accordance with Law, as expeditiously as possible, at any rate, within a period of four (4) weeks from the date of receipt of a copy of this order. Till passing of appropriate orders, as indicated above, *status quo* with regard to the subject matter property existing as on today shall be maintained in all respects. No order as to costs. As a sequel, miscellaneous petitions pending, if any, shall stand closed.

//TRUE COPY//

Sd/- SHAIK MOHD. RAFI
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary to Government, Revenue Department, State of Andhra Pradesh, Secretariat, Velagapudi, Amaravati, Guntur District.
2. The District Collector, Y.S.R.Kadapa District at Kadapa.
3. The Revenue Divisional Officer, Kadapa Revenue Division, Y.S.R. Kadapa District.
4. The Tahsildar, Vallur Mandal, Y.S.R. Kadapa District.
5. The Assistant Director, District Survey and Land Records, New Collectorate, Kadapa, Y.S.R.Kadapa District.
6. The Mandal Surveyor, Vallur Mandal, Y.S.R. Kadapa District.
7. The Ward Surveyor, O/o. Grama Sachivalayam, Nallapureddy palle Village, Thollaganganapalle Panchayat, Vallur Mandal, Y.S.R.Kadapa District.
8. One CC to Sri C. Rajendra, Advocate [OPUC].
9. Two CCs to GP for Revenue, High Court of Andhra Pradesh. [OUT]
10. Two C.D. Copies

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HIGH COURT

DATED:31/07/2023

ORDER

WP.No.16676 of 2023

C2 Copy

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28.08.23

**DISPOSING OF THE W.P.
WITHOUT COSTS**

