

APHC010414272025



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



MONDAY, THE EIGHTEENTH DAY OF AUGUST
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO

WRIT PETITION NO: 21582 OF 2025

Between:

Tatineni Maheswar Naidu, S/o. T. Subramanyam Naidu, Age about 52 years, Occ Business PROP M/s. MAHESWARA STONE CRUSHERS, Tatiparti Village, Thottambedu Mandal, Chittoor District, Now Tirupati District R/o. Gurukulapalem, Poyya village Post, Thottambedu District.Mandal, Tirupati.

...Petitioner

AND

1. The State Of Andhra Pradesh, Rep. by its Principal Secretary, Revenue Department, Secretariat Buildings, Velagapudi, Amaravathi - Guntur District.
2. The State of Andhra Pradesh, Rep. by its Principal Secretary, Industries Department, Secretariat Buildings, Velagapudi, Amaravathi - Guntur District.
3. The Andhra Pradesh Industrial Infrastructural Corporation Ltd APIIC, rep. by its The Commissioner/Director, APIIC, MANGALAGIRI, ANDHRAPRADESH,
4. The District Collector, Presently Tirupati District (Chittoor District).
5. The Andhra Pradesh Industrial Infrastructural Corporation Ltd APIIC, rep. by Zonal Manager, Tirupati Zone, APIIC, TIRUPATI, Presently Tirupati District(Chittoor District).

6. The Revenue Divisional Officer, Srikalahasti Division At Srikalahasti. Presently Tirupati District(Chittoor District),

7. The Tahsildar, Thottambedu Mandal Presently Tirupati District(Chittoor 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 a one in the nature of Mandamus declaring the action of the respondents No. 3 to 7 in interfering with the petitioner's possession and enjoyment of the lands i.e., in Sy.No 129 extent of 2.00 HECTERS (Ac.05.00 cents) Tatiparti Village, Thottambedu Mandal, situated at Tatiparti village, Thottambedu Mandal, presently Tirupati District(Chittoor District) and also trying to dispossess without following due process of laws as illegal, arbitrary, unconstitutional and violative of articles 14, 21 300-A of the constitution of India and consequently to direct the Respondents herein not to interfere with the petitioners possession and enjoyment of lands i.e., in Sy.No 129 extent of 2.00 HECTERS (Ac.05.00 cents) Tatiparti Village, Thottambedu Mandal,situated at TATIPARTI Village, Thottambedu Mandal, presently Tirupati District (Chittoor District) without following due process of law.

IA NO: 1 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to permit the Petitioner to continue mining activities without interference of the respondents 3 to 7 pending disposal of the above writ petition.

IA NO: 2 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the Respondents not to dispossess and not to interfere with the

~~XXXXXXXXXX~~ possession and enjoyment of the land for QUARRY area running for road metal & building stone in the name of M/s. Maheswara Stone Crushers For Road Metal & Building Stone over an extent of 1.00 HECTERS (Ac.2.50 cents) in Sy.No 129/1 of Tatiparti Village, Thottambedu Mandal, Chittoor District pending disposal of the above writ petition.

Counsel for the Petitioner: SRI R CHANDRA REDDY

Counsel for the Responent Nos.1,4,6,7: GP FOR REVENUE

Counsel for the Responent Nos.3 & 5: SRI SANTHI CHANDRA SC For APIIC

Counsel for the Responent No.2 : GP FOR INDUSTRIES COMMERCE

The Court made the following order:



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

[3330]

MONDAY, THE EIGHTEENTH DAY OF AUGUST
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO
WRIT PETITION NO: 21582/2025

Between:

1. TATINENI MAHESWAR NAIDU, S/O. T. SUBRAMANYAM NAIDU, AGE ABOUT 52 YEARS, OCC BUSINESS PROP M/S. MAHESWARA STONE CRUSHERS, TATIPARTI VILLAGE, THOTTAMBEDU MANDAL, CHITTOOR DISTRICT, NOW TIRUPATI DISTRICT R/O. GURUKULAPALEM, POYYA VILLAGE POST, THOTTAMBEDU DISTRICT.MANDAL, TIRUPATI

...PETITIONER

AND

1. THE STATE OF AP, REP. BY ITS PRINCIPAL SECRETARY, REVENUE DEPARTMENT, SECRETARIAT BUILDINGS, VELAGAPUDI, AMARAVATHI - GUNTUR DISTRICT.
2. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, INDUSTRIES DEPARTMENT, SECRETARIAT BUILDINGS, VELAGAPUDI, AMARAVATHI - GUNTUR DISTRICT.
3. THE ANDHRA PRADESH INDUSTRIAL INFRASTRUCTURAL CORPORATION LTD APIIC, REP. BY ITS THE COMMISSIONER/DIRECTOR, APIIC, MANGALAGIRI, ANDHRAPRADESH,
4. THE DISTRICT COLLECTOR, PRESENTLY TIRUPATI DISTRICT (CHITTOOR DISTRICT).
5. THE ANDHRA PRADESH INDUSTRIAL INFRASTRUCTURAL CORPORATION LTD APIIC, REP. BY ZONAL MANAGER, TIRUPATI ZONE, APIIC, TIRUPATI, PRESENTLY TIRUPATI DISTRICT (CHITTOOR DISTRICT).
6. THE REVENUE DIVISIONAL OFFICER, SRIKALAHASTI DIVISION AT SRIKALAHASTI. PRESENTLY TIRUPATI DISTRICT (CHITTOOR DISTRICT),
7. THE TAHSILDAR, THOTTAMBEDU MANDAL PRESENTLY TIRUPATI DISTRICT (CHITTOOR DISTRICT)

...RESPONDENT(S):

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 a one in the nature of Mandamus declaring the action of

the respondents No. 3 to 7 in interfering with the petitioner's possession and enjoyment of the lands i.e., in Sy.No 129 extent of 2.00 HECTERS (Ac.05.00 cents) Tatiparti Village, Thottambedu Mandal, situated at Tatiparti village, Thottambedu Mandal, presently Tirupati District(Chittoor District) and also trying to dispossess without following due process of laws as illegal, arbitrary, unconstitutional and violative of articles 14, 21 300-A of the constitution of India and consequently to direct the Respondents herein not to interfere with the petitioners possession and enjoyment of lands i.e., in Sy.No 129 extent of 2.00 HECTERS (Ac.05.00 cents) Tatiparti Village, Thottambedu Mandal,situated at TATIPARTI Village, Thottambedu Mandal, presently Tirupati District (Chittoor District) without following due process of law and to pass

IA NO: 1 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased Pleased to permit the Petitioner to continue mining activities without interference of the respondents 3 to 7 pending disposal of the above writ petition and pass

IA NO: 2 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased pleased to direct the Respondents not to dispossess and not to interfere with the possession and enjoyment of the land for QUARRY area running for road metal & building stone in the name of M/s. MAHESWARA STONE CRUSHERS FOR ROAD METAL & BUILDING STONE over an extent of 1.00 HECTERS (Ac.2.50 cents) in Sy.No 129/1 of Tatiparti Village, Thottambedu Mandal, Chittoor District pending disposal of the above writ petition and pass

Counsel for the Petitioner:

1.R CHANDRA REDDY

Counsel for the Respondent(S):

1.GP FOR REVENUE

2.GP FOR INDUSTRIES COMMERCE

THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO
WRIT PETITION No.21582 of 2025

ORDER:-

The present Writ Petition is filed under Article 226 of the Constitution of India seeking the following relief:

“...issue a writ order or direction more particularly a one in the nature of Mandamus declaring the action of the respondents No.3 to 7 in interfering with the petitioner's possession and enjoyment of the lands i.e., in Sy.No.129 extent of 2.00 HECTERS (Ac.05.00 cents) Tatiparti Village, Thottambedu Mandal, situated at Tatiparti village, Thottambedu Mandal, presently Tirupati District (Chittoor District) and also trying to dispossess without following due process of laws as illegal, arbitrary, unconstitutional and violative of articles 14, 21 & 300-A of the constitution of India and consequently to direct the Respondents herein not to interfere with the petitioner's possession and enjoyment of lands i.e., in Sy.No.129 extent of 2.00 HECTERS (Ac.05.00 cents) Tatiparti Village, Thottambedu Mandal, situated at TATIPARTI Village, Thottambedu Mandal, presently Tirupati District (Chittoor District) without following due process of law and to pass such other order or orders...”

2. It is the pleading of the petitioner that a person in settled possession of immovable property is entitled to continue in such possession, without being dispossessed save and except in accordance with law.

3. In *Rame Gowda v. M.Varadappa Naidu*,¹ a three-Judge Bench of the Hon'ble Apex Court, while discussing the Indian law on the subject, observed as under:

¹ (2004)1 SCC 769

"..It is thus clear that so far as the Indian law is concerned, the person in peaceful possession is entitled to retain his possession and in order to protect such possession he may even use reasonable force to keep out a trespasser. A rightful owner who has been wrongfully dispossessed of land may retake possession if he can do so peacefully and without the use of unreasonable force. If the trespasser is in settled possession of the property belonging to the rightful owner, the rightful owner shall have to take recourse to law."

4. In the case of *Ram Ratan and others Vs. State of Uttar Pradesh*², question cropped up before Hon'ble Supreme Court, with regard to right of private defence of trespasser against true owner. Their Lordships held that true owner has no right to dispossess the trespasser by use of force, in case trespasser was in possession in full knowledge of the true owner. Observation made by Hon'ble the Supreme Court is reproduced as under:-

"In State of W.B. and others Vs Vishnunarayan and Associates (P) Ltd. and another, reported in (2002) 4 SCC 134, held that State and its executive officers cannot interfere with the rights of others except where their actions are authorized by specific provisions of law."

5. In, *H.B.Yogalaya Vs. State of U.P. and others*³, the Hon'ble Apex Court held that without any show cause notice or hearing, neither demolition can take place nor a person may be dispossessed from the property, relevant portion is extracted hereunder:

"Otherwise also principles of natural justice demand that a show-cause notice and hearing be given before demolishing or

² (1977) 1 SCC 188

³ (2004) 13 SCC 518

dispossessing a person from the properties of which he is in possession. Counsel appearing for the respondents did not contest this proposition."

"It is well settled that the law requires that the true owner should dispossess the trespasser by taking recourse to the remedies under, the law."

6. In the celebrated case of ***Maneka Gandhi vs. Union of India***⁴, the Hon'ble Supreme Court upheld the phrase no one shall be deprived of one's life and liberty except procedure established by law as employed in Article 21 of the Constitution of India. The principles of natural justice demands that the persons who are affected should be heard.

7. Therefore, this Court is of the opinion that the petitioner should not be dispossessed except in accordance with the law, as held in ***Rame Gowda's case*** (supra-1).

8. Accordingly, the Writ Petition is disposed of, directing the respondents not to interfere with the peaceful possession and enjoyment of the petitioner's subject property, except by following due process of law. There shall be no order as to costs.

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

4

AIR 1978 SC 25

//TRUE COPY//

**Sd/- K. TATA RAO
DEPUTY REGISTRAR**

NBS
SECTION OFFICER

To,

1. The Principal Secretary, Revenue Department, Secretariat Buildings, Velagapudi, Amaravathi - Guntur District.

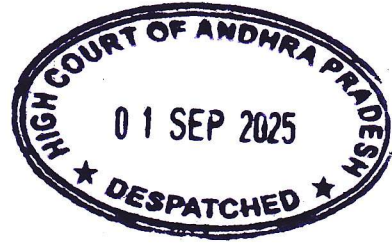
2. The Principal Secretary, Industries Department, Secretariat Buildings, Velagapudi, Amaravathi - Guntur District.
3. The Commissioner/Director, Andhra Pradesh Industrial Infrastructural Corporation Ltd APIIC, APIIC, MANGALAGIRI, ANDHRAPRADESH,
4. The District Collector, Presently Tirupati District (Chittoor District).
5. The Zonal Manager Andhra Pradesh Industrial Infrastructural Corporation Ltd APIIC, Tirupati Zone, APIIC, TIRUPATI, Presently Tirupati District(Chittoor District).
6. The Revenue Divisional Officer, Srikalahasti Division At Srikalahasti. Presently Tirupati District(Chittoor District),
7. The Tahsildar, Thottambedu Mandal Presently Tirupati District(Chittoor District)
8. One CC to Sri. R Chandra Reddy, Advocate [OPUC]
9. Two CCs to GP For Revenue, High Court of Andhra Pradesh [OUT]
10. One CC to Sri. Santhi Chandra, SC For APIIC Advocate [OPUC]
11. Two CCs to GP For Industries Commerce ,High Court of Andhra Pradesh [OUT]
12. Two CD Copies.

A

HIGH COURT

DATED:18/08/2025

**ORDER
WP NO. 21582 OF 2025**



DISPOSING OF THE W.P. WITHOUT COSTS