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APHC010387282018

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3333]**
(Special Original Jurisdiction)

TUESDAY, THE 30th DAY OF JUNE 2026

PRESENT

THE HONOURABLE SMT JUSTICE V.SUJATHA

WRIT PETITION NO: 18190 OF 2018

Between:

1. MACHAVARAPU RAMESH, S/O.NAGESWARA RAO, HINDU, AGED ABOUT 56 YEARS, R/O.NARUKULLAPADU VILLAGE, AMARAVATHI MANDAL, GUNTUR DISTRICT.
2. MACHAVARAPU SURESH, S/O. NAGESWARA RAO, HINDU, AGED ABOUT 54 YEARS, R/O.NARUKULLAPADU VILLAGE, AMARAVATHI MANDAL, GUNTUR DISTRICT.
3. MACHAVARAPU KOTESWARA RAO, S/O.GOPAIAH, HINDU, AGED ABOUT 66 YEARS, OCCU. CULTIVATION, R/O.NARUKULLAPADU VILLAGE, AMARAVATHI MANDAL, GUNTUR DISTRICT

...PETITIONER(S)

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, REVENUE DEPARTMENT, SECRETARIAT AT VELAGAPUDI, AMARAVATHI, GUNTUR DISTRICT.
2. THE DISTRICT COLLECTOR, GUNTUR, GUNTUR DISTRICT.
3. THE JOINT COLLECTOR, GUNTUR, GUNTUR DISTRICT.
4. THE REVENUE DIVISIONAL OFFICER, GUNTUR, GUNTUR DISTRICT.

5. THE TAHSILDAR, AMARAVATHI MANDAL, AMARAVATHI, GUNTUR DISTRIC

...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 or order more particularly one in the nature of writ of Mandamus or any other appropriate writ declaring the action of the respondents, in laying the road through our lands situated in Survey Nos.28 and 78 of Narukullapadu Village, Amaravathi Mandal, Guntur District, by filling up the existing canal (Murugu Kaluva) in an high handed, unethical and illegal manner, as illegal, arbitrary, unjust and also in violation of Article 300-A of the Constitution of India and also in violation of the existing laws and settled law of principles and consequently direct the respondents not to lay any road over and above the existing canal (Murugu Kaluva) and to pass

IA NO: 1 OF 2018

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 to forbear from proceeding with the laying of the road over and above the existing Murugu Kaluvu, which is passing through Survey Nos.28 and 78 of Narukullapadu Village, Amaravathi Mandal, Guntur District, in the interest of justice and to pass

Counsel for the Petitioner(S):

1. G L NAGESWAR RAO

Counsel for the Respondent(S):

1. GP FOR REVENUE (AP)

The Court made the following:

THE HONOURABLE SMT JUSTICE V.SUJATHA

WRIT PETITION NO: 18190 OF 2018

ORDER:-

The present Writ Petition is filed questioning the action of the Respondents, in laying the road through the Petitioners lands situated in Survey Nos.28 and 78 of Narukullapadu Village, Amaravathi Mandal, Guntur District, by filling up the existing canal (Murugu Kaluva) as illegal and arbitrary.

2. The precise case of the Petitioners is that they are residents of Narukullapadu Village, Amaravati Mandal, Guntur District. The Petitioner No.2 had agricultural land in an extent of Ac. 1.75 cents in Sy.No.78, which was acquired from his father. The Petitioner No.1 had the land to an extent of Ac.2.78 cents in Sy.No.28 and the Petitioner No.3 had the land to an extent of Ac.0.75 cents in Sy.No.78 in Narukullapadu Village, Amaravati Mandal, Guntur District.

3. While the matter stood thus, some of the persons, who are doing real estate business, with an intention to enhance their properties seems to have been made a representation to the local MLA stating that they have lands in their village and that the R&B road existing at Madduru got damaged and requested the Respondents to conduct a survey for reformation of the said donka road. Basing on the said representation, the MLA made an endorsement to the Respondent No.5 to examine and to take up survey for reformation of the road.

4. It is the case of the Petitioners that there is no such donka road existing at Madduru, but it is a waste water irrigation canal (Murugu Kaluva) through which the Petitioners and other farmers used to send the waste water from their agricultural lands and that the said canal is also used for free flow of rainy and flood water to reach Endrai Village Vagu. The Petitioners have submitted several representations dated 18.05.2018, 21.05.2018 and 25.05.2018 requesting the Respondents to conduct a survey to that effect. As no action has been initiated, the present Writ Petition came to be filed.

5. When the matter came up for admission on 12.07.2018, this Court passed the interim order which reads under:

> "*The second respondent is directed to file counter affidavit within three (3) weeks with documents evidencing width of the road, and whether the road now laid is according to the plan marked road or not. The laying of the road if is held as violating the proprietary right of petitioners or possession of petitioners' land is taken without acquisition, the respondents are under obligation to compensate the petitioners in accordance with law".*

6. Heard learned counsel for the Petitioners as well as learned Assistant Government Pleader for Revenue for the Respondents.

7. Respondent No.2 has filed a Counter-Affidavit duly stating that the Ryots of Narukullapadu, who are having their agricultural lands around the Sy.No.79 gave a representation dated 01.05.2018 stating that as the said pathway, which is leading from R&B Road to the fields situated in Maddur Revenue Village was almost damaged and they are facing much difficulty to pass through the said pathway, requested to conduct survey of the said

pathway and to restore the same for their ingress and egress and the said representation was forwarded to the Tahsildar, Amaravati for taking necessary action, who in turn directed the Mandal Surveyor to conduct survey of the said pathway. Thereafter, the Mandal Surveyor has conducted survey and fixed the boundary stones of the said pathway. Subsequently, the villagers started laying the pathway. Meanwhile, the Petitioner No.1 and others gave a representation, stating that they got lands in Narukullapadu Village and a murugu kaluva is passing through their lands and the Ryots who are not having lands by the side of the said Murug Kaluva requested for restoration of the non existing pathway and if the said murugu kaluva is closed, their crops will be damaged due to stagnation of rainy water and requested to take necessary action to stop the work until the problem is cleared.

8. As per directions of the Tahsildar, the Village Revenue Officer inspected the said pathway and submitted his report dated 23.05.2018 stating that as per RSR, the land in Sy.No.79 to an extent of Ac.2.88 cents is classified as footpath and that the villagers informed him that during rains, the rain water is passing through the said pathway which got damaged. Thereupon, the Tahsildar, Amaravati Mandal inspected the said pathway along with Village Revenue Officer and Mandal Surveyor and submitted a report dated 24.05.2018 to the Respondent No.2 stating that alternate arrangements have to made for free flow of the rain water. In the meanwhile, the Petitioner approached this Court and filed this Writ Petition.

9. It is further contended that as no road is being laid through the lands belonging to the Petitioners in Sy.Nos.28 and 78 of Narukullapadu Village and the Petitioners being the adjacent land owners, occupied both sides of the pathway by making the pathway narrow due to which the surrounding Ryots are facing much difficulty for their ingress and egress and that now the pathway is being restored. As such, requested to dismiss the Writ Petition.

10.Counter Affidavit filed by Respondent No.2 discloses the fact that though the waste water channel (Murugu Kalava), as alleged by the Petitioners, is existing adjacent to the Petitioners land, but however, on a representation made by the Ryots of the same village that due to damage of the pathway, they are facing difficulty for ingress and egress to their agricultural lands through the pathway, the Village Revenue Officer inspected the said pathway and submitted a report that the pathway got damaged during rainy season, which is obstructing free flow of rain water and the main cause for said obstruction is that the Petitioners have occupied both sides of the pathway by making pathway narrow, due to which the villagers are facing difficulty and as such, the said pathway was restored and except that no other action has been initiated by the Respondents authorities in closing the Murugu Kalava.

11. Apart from the same, learned Assistant Government Pleader for Revenue, during the course of his arguments have orally submitted that the Revenue Authorities never touched the Murugu Kaluva and it is still in existence as it is not closed. As such, there is no grievance to the Petitioners.

12. In view of the same, the Writ Petition is disposed of, directing the Respondents not to interfere with the Petitioners possession over the subject land, without following due process of law. There shall be no order as to costs.

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

JUSTICE V.SUJATHA

Date: 30.06.2026

KK

Whether the order is :

Speaking Yes/No / Reasoned Yes/No

Reportable Yes/No / Non-Reportable Yes/No