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APHC010395152018

**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: 18313/2018**

**Between:**

1. M. SUDHAKAR RAO, S/O.M.MADHAVA RAO HINDU, AGED 38 YEARS OCC CULTIVATION R/O.D.NO.1-25, ANKANNAGUDEM, PEDAVEGI MANDAL WEST GODAVARI DISTRICT, AP
2. BACHIRAJU SUJATHA, W/O.SURYA PRAKASH RAO HINDU, AGED 42 YEARS OCC HOUSEWIFE R/O.H.NO.4-22 ANKANNAGUDEM VILLAGE PEDAVEGI MANDAL, W.G.DISTRICT ANDHRA PRADESH

**...PETITIONER(S)**

**AND**

1. STATE OF A P, REP.BY ITS PRINCIPAL SECRETARY REVENUE DEPARTMENT A.P.SECRETARIAT, VELAGAPUDI AMARAVATHI, GUNTUR DISTRICT
2. THE DISTRICT COLLECTOR, WEST GODAVARI DISTRICT, ELURU ANDHRA PRADESH
3. THE REVENUE DIVISIONAL OFFICER, ELURU, W.G.DISTRICT, AP
4. THE TAHSILDAR, PEDAVEGI MANDAL PEDAVEGI, W.G. DISTRICT ANDHRA PRADESH

**...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 to issue a writ, order or direction more particularly one in the nature of a writ of mandamus declaring the proceedings in D.Dis.No.1091198/2017(D) dt.11-05-2018 issued by the 3rd respondent as illegal, arbitrary, without jurisdiction or authority of law and contrary to law and 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 grant stay of all further proceedings in pursuance of the proceedings in D.Dis.No. 1091198/2017(D) dt.11-05-2018 issued by the 3rd respondent pending disposal of the above writ petition and pass

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

1. TURAGA SAI SURYA

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

1. GP FOR REVENUE (AP)

**The Court made the following:**

**ORDER:**

This Writ Petition came to be filed under Article 226 of the Constitution of India, seeking the following prayer:

> "…to issue a writ, order or direction more particularly one in the nature of a writ of mandamus declaring the proceedings in D.Dis.No.1091198/2017(D) dt.11-05-2018 issued by the 3rd respondent as illegal, arbitrary, without jurisdiction or authority of law and contrary to law and pass…"

2. The case of the petitioners is that the petitioners' father by name M. Madhava Rao was the owner of the gramakantam land to an extent of Acs.0.80 cents in R.S.No.145/1 of Ankannagudem village, Pedavegi mandal, West Godavari district having inherited the same from his ancestors. The petitioners' father executed two dhakal deeds on 14.07.2010 transferring the land admeasuring Acs.0.10 cents of the subject land in favour of the 1st petitioner (vide document No.2295/2010) and the remaining Acs.0.70 cents in favour of the 2nd petitioner (vide document No.2296/2010). Ever since, the petitioners have been in possession of their respective lands.

3. When the officials of the electricity department tried to disconnect power supply in respect of the petitioners' property, the 1st petitioner along with his father filed O.S.No.350/2014 and the 2nd petitioner filed O.S.No.42/2015 on the file of the Court of the Principal Junior Civil Judge, Eluru seeking permanent injunction; the petitioners

have obtained temporary injunction against the intervening authorities. In spite of the same, as the 3rd respondent started to interfere with the possession of the petitioners, they were constrained to file W.P.No.26366 of 2017 before this Court wherein, an interim order was granted by this Court directing the respondents not to dispossess the petitioners without following due process of law. Subsequently, pursuant to the said interim order, the 3rd respondent issued a notice dated 17.01.2018 alleging that the petitioners occupied the land to an extent of Acs.1.00 cents in R.S.No.145/1 which is a Government land by obtaining possession certificate from the earlier Tahsildar. Pursuant to the same, the petitioners appeared before the 3rd respondent and presented their case.

4. The case of the petitioners is that the 3rd respondent, vide proceedings dated 11.05.2018 directed the 4th respondent to resume the land admeasuring Acs.0.80 cents in R.S.No.145/1 of Ankannagudem, hamlet of Koppaka village of Pedavegi mandal and to take possession of the said land. Aggrieved by the same, the present writ petition is filed.

5. When the writ petition came up for admission on 05.06.2018, this Court has passed the following interim order:

> "Hence, there shall be interim suspension of proceedings dated 11.05.2018 until further orders."

6. Perused the material available on record. It can be seen from the material available on record that initially, one Deverapalli Bakkaiah,

M.P.P., Pedavegi mandal, West Godavari district during Meekosam programme stated that the petitioners have encroached the land to an extent of Acs.1.00 cents in R.S.No.145/1 of Koppaka village and requested to evict them from the same and to distribute house sites to eligible persons. When the respondent authorities tried to evict the petitioners unlawfully, they were constrained to file W.P.No.26366 of 2017, wherein, this Court, while disposing of the writ petition, directed the 4th respondent herein not to interfere with the possession of the petitioners over the subject land, without following due process of law.

7. In pursuance of the said directions, notices dated 27.01.2018 and 17.02.2018 were issued to the petitioners directing them to attend the respondents' office along with all connected records. After hearing the petitioners, the 4th respondent has conducted a detailed enquiry into the matter and reported that the land to an extent of Acs.26.28 cents in R.S.No.145/1 of Ankannagudem hamlet of Koppaka village, Pedavegi mandal is classified as village site poramboke in F.L.R., and that the land in issue in the present case falls under village site poramboke which is in possession and enjoyment of the petitioners herein on the strength of gift deeds bearing document Nos.2295/2010 and 2296/2010 executed by their father by name Morveneni Madhavarao; that the then Tahsildar, Pedavegi vide L.Dis.367/2010/C, dated 09.07.2010 issued possession

certificate to the petitioners for the land in question contrary to rules as the subject land is meant exclusively for dwelling purpose.

8. Admittedly, earlier, when the respondent authorities tried to interfere with the possession of the petitioners basing on a representation made during Meekosam programme, the petitioners approached this Court by filing W.P.No.26366 of 2017 and this Court has directed the respondents to follow due process of law. Subsequently, the 4th respondent herein, has issued notices to the petitioners to appear before the respondents' office with all supporting documentary proof to establish their title over the subject property. The petitioners relied on possession certificate issued by the then Tahsildar, Pedavegi and the gift deeds executed in their favour by their father in the year 2007. It is clear that the entire land admeasuring Acs.26.28 cents in R.S.No.145/1 of Ankannagudem, hamlet of Koppaka village, Pedavegi mandal is classified as village site poramboke as per F.L.R. However, the then Tahsildar issued possession certificate dated 09.07.2010 to the petitioners herein. It is to be noted that though the subject portion of the impugned proceedings refer to Andhra Pradesh Assignment of Land (POT) Act, 1977, there is no mention to that extent in the impugned proceedings.

9. It is evident from the record that the respondent authorities have scrupulously followed the due procedure prescribed under law by issuing notices to the petitioners and affording them an opportunity of

hearing. It is for the petitioners to prove their title over the subject property. With the available material on record, this Court is of the opinion that the 3rd respondent, after due enquiry has passed the impugned proceedings dated 11.05.2018 directing the 4th respondent to resume the land admeasuring Acs.0.80 cents in R.S.No.145/1 of Ankannagudem hamlet of Koppaka village of Pedavegi mandal and that the same need not be interfered with. If at all the petitioners are aggrieved by the same, they are always at liberty to file an appeal before the Joint Collector, West Godavari District.

10. In view of the above and in view of the request made by learned counsel for the petitioners, this writ petition is disposed of by directing the petitioners herein to file an appeal before the Joint Collector, West Godavari district against the impugned proceedings dated 11.05.2018 within a period of eight (8) weeks from the date of receipt of a copy of this order. Till any orders are passed by the appellate authority, the respondents shall not initiate any coercive steps against the petitioners, with regard to the property in issue. No costs.

Consequently, Miscellaneous Petitions, if any, pending in this Petition shall stand closed.

**JUSTICE V.SUJATHA**

30.06.2026
Gss

**Whether the order is :**
Speaking Yes
Reportable No