IN THE HIGH COURT OF ANDHRA PRADESH :: AMARAVATI

(Special Original Jurisdiction)

MONDAY, THE TENTH DAY OF FEBRUARY

TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HON'BLE SRI JUSTICE GANNAMANENI RAMAKRISHNA PRASAD

WRIT PETITION NO: 3432 OF 2025

Between:

1. J Thatha Reddy, S/o. Rami Reddy, aged 51 years, Occ. Cultivation, R/o.5-61, Kothapalli, Thimminaidupalem, Tirupati Urban Mandal, Tirupati Dist.,
2. Smt J Hemamalini, W/o. Thatha Reddy, aged 47 years, Occ. Cultivation, R/o.5-61, Kothapalli, Thimminaidupalem, Tirupati Urban Mandal, Tirupati Dist.

...Petitioners

AND

1. State of Andhra Pradesh, rep by its Principal Secretary, Revenue Dept., Secretariat, Velagapudi, Guntur.
2. Collector and District Magistrate, Tirupati District at Tirupati.
3. Revenue Divisional Officer, Tirupati Division, Tirupati District.
4. Tahsildar, Tirupati Urban Mandal, Tirupati, Tirupati 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/ Direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondents in trying to evict them from the land to an extent of 120 Sq.Yards, situated in

Sy.No.72/3 of Thimminaidupalem Village, Tirupati Urban Mandal, Tirupati District pursuant to Sale Deeds as illegal, arbitrary, contrary to law. Violation of Principles of Natural Justice, besides violation of Art. 14 & 21 of the Constitution of India and consequently direct the respondents to follow due process of law against them.

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 direct the 4th Respondent not to demolish the residential house of the petitioners by dispossessing them in an extent of 120 Sq. Yards situated in Sy.No.72/3 of Thimminaidupalem(V), Tirupati Urban Mandal, Tirupati District forthwith pending disposal of the Writ Petition.

Counsel for the Petitioner: SRI. SRINIVASULU KURRA

Counsel for the Respondents: GP FOR REVENUE

The Court made the following order:

APHC010065152025

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI [3328]
(Special Original Jurisdiction)

MONDAY ,THE TENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE GANNAMANENI RAMAKRISHNA PRASAD

WRIT PETITION NO: 3432/2025

Between:

1. J THATHA REDDY, S/O.RAMI REDDY, AGED 51 YEARS, OCC. CULTIVATION, R/O.5-61, KOTHAPALLI, THIMMINAIDUPALEM, TIRUPATI URBAN MANDAL, TIRUPATI DIST.,
2. SMT J HEMAMALINI, W/O. THATHA REDDY, AGED 47 YEARS, OCC. CULTIVATION, R/O.5-61, KOTHAPALLI, THIMMINAIDUPALEM, TIRUPATI URBAN MANDAL, TIRUPATI DIST.

...PETITIONER(S)

AND

1. STATE OF ANDHRA PRADESH, REP BY ITS PRINCIPAL SECRETARY, REVENUE DEPT., SECRETARIAT, VELAGAPUDI, GUNTUR.
2. COLLECTOR AND DISTRICT MAGISTRATE, TIRUPATI DISTRICT AT TIRUPATI.
3. REVENUE DIVISIONAL OFFICER, TIRUPATI DIVISION, TIRUPATI DISTRICT.
4. TAHSILDAR, TIRUPATI URBAN MANDAL, TIRUPATI, TIRUPATI DISTRICT.

...RESPONDENT(S):

Counsel for the Petitioner(S):

1. SRINIVASULU KURRA

Counsel for the Respondent(S):

1. GP FOR REVENUE

The Court made the following:

ORAL ORDER:

Heard Sri Srinivasulu Kurra, learned Counsel for the Writ Petitioners and Sri K. Arjun Chowdhary, learned Assistant Government Pleader for Revenue appearing for all the Respondents.

2. Sri K. Arjun Chowdhary, learned Assistant Government Pleader for Revenue has submitted the Written Instruction furnished by the Tahsildar of Tirupati Urban Mandal dated 08.02.2025. Copy of it is served on the Counsel for the Writ Petitioners as well. This Written Instruction is taken on record.

3. It is the grievance of the Writ Petitioners that the Official Respondents are interfering with the peaceful possession of the subject land which is purchased by the Writ Petitioners. It is the submission of the learned Counsel for the Writ Petitioners that in the year 1994, vide Document No.701/1994, one Sri A. Sidda Reddy sold away some extent of land to the vendor of the Writ Petitioners. The vendor of the Writ Petitioners, while being in possession and enjoyment of the said subject land, had sold away the part of the subject land to the Petitioners vide Sale Deed No.4461/2017, to an extent of 120 square yards. It is further submitted that since the date of purchase i.e., on 31.07.2017 (Registered Sale Deed (Ex.P.1)), the Writ Petitioners have been in possession in the said 120 square yards, which is a patta land.

4. In the Written Instructions furnished by learned Assistant Government Pleader, it is stated that the Official Respondents have no objection with regard to the land situated in Sy.No.72/3, which is the extent of land, alleged to have been purchased by the Writ Petitioners, covering an extent of 120 square yards. It is further stated in the Written Instructions that the land, which is adjacent to Sy.No.72/3, is classified as Kaluva (water body) and an extent of Acs.3.98 cents of the water body is situated in Sy.No.69. Since the Petitioners' patta land (120 Square Yards) situated in Sy.No.72/3 is contiguous to the land classified as Kaluva (a water body) in Sy.No.69, the Petitioners

tried to encroach the land in Sy.No.69 and attempted to raise unauthorized construction. It is at this stage, the Official Respondents have interfered with the erecting of structures in the land situated in Sy.No.69.

5. Having regard to the above facts, this Court deems it appropriate to dispose of this Writ Petition, without going into the merit, directing the Official Respondents not to interfere with the peaceful possession of the Petitioners' land of an extent of 120 Square Yards, which is situated in Sy.No.72/3 of Thimminaidupalem Village, Tirupati Urban Mandal, Tirupati District. It is, however, clarified that this Court has not passed any Order of Temporary or Permanent Injunction or any Order of Restraint, insofar as the land situated in Sy.No.69. If there is any dispute with regard to the identification of the property, the Writ Petitioners are free to take steps to approach the Authorities, for seeking survey.

6. With these observations and directions, this Writ Petition stands disposed of. No order as to costs.

7. Interlocutory Applications, if any, stand closed in terms of this order.

Sd/- M.PRABHAKAR RAO
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Principal Secretary, Revenue Dept., Secretariat, State of Andhra Pradesh, Velagapudi, Guntur.
2. The Collector and District Magistrate, Tirupati District at Tirupati.
3. The Revenue Divisional Officer, Tirupati Division, Tirupati District.
4. The Tahsildar, Tirupati Urban Mandal, Tirupati, Tirupati District.
5. One CC to Sri. Srinivasulu Kurra Advocate [OPUC]
6. Two CCs to GP for Revenue, High Court Of Andhra Pradesh. [OUT]
7. Three CD Copies

GSC

HIGH COURT

DATED:10/02/2025

ORDER

WP.No.3432 of 2025



DISPOSING OF THE WP

WITHOUT COSTS