APHC010136142025

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3329]**
(Special Original Jurisdiction)

TUESDAY ,THE EIGHTEENTH DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 6911/2025

Between:

Marani Chinnakka and Others **...PETITIONER(S)**

AND

The State Of Andhra Pradesh and Others **...RESPONDENT(S)**

Counsel for the Petitioner(S):

1. VUTUPALLI RAJANNA

Counsel for the Respondent(S):

1. GP FOR REVENUE

The Court made the following:

THE HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION No.6911 OF 2025

ORDER:-

This writ petition is filed under Article 226 of the Constitution of the India seeking the following relief:-

> *"to issue Writ or Direction especially one in the nature of Writ of Mandamus declaring the action of the 4th respondent directing the petitioners not to enter into the property admeasuring an extent of Ac.1.00 cent in Sy.No 1/1A situated in Sodum Village, Sodum Mandal, Chittoor District without following due process of law is illegal, arbitrary and unconstitutional and also violation of principles of natural justice at the behest of 5th respondent and consequently direct the 4th respondent not to interfere with the peaceful possession and enjoyment of the above mentioned property and pass such other order or orders..."*

2. The case of the petitioner, in brief is that, originally the property admeasuring to an extent of Ac.1.00 cents in Sy.No.1 situated at Sodum Village and Mandal, Chittoor District was purchased by the husband of petitioner No.1 through a registered sale deed vide Doc No.465/1962. Since the date of purchase, the petitioners have been in peaceful possession and enjoyment of the subject property without there being any interference or hindrance from any quarter. For which, the revenue authorities mutated the name of the petitioner's husband in the revenue records and pattadar pass book and title deed was issued in favour of the petitioner No.1's husband. After demise of petitioner No.1's husband, the petitioners herein being the legal heirs inherited the same and became owners and possessors of the subject property. While things stood thus, the respondent authorities are interfering with the peaceful possession and enjoyment of the subject

property of the petitioners without following the due procedure as contemplated under law, which is highly illegal and arbitrary. Hence, the writ petition.

3. Heard learned counsel for the petitioners and learned Government Pleader for Revenue for the respondents.

4. During hearing, learned counsel for the petitioners, without touching the merits of the case, requested this Court to issue a direction to the respondents not to interfere with the peaceful possession and enjoyment of the subject property of the petitioners without following due process of law.

5. On the other hand, learned Government Pleader for Revenue appearing for the respondents furnished written instructions dated 17.03.2025, wherein, it is stated that the respondents are not at all interfering with the peaceful possession and enjoyment of the subject property of the petitioners. He further submits that if the respondents intend to interfere/ dispossess the petitioners from the subject property, the respondents will follow due process of law.

6. Having regard to the submissions made by the learned counsel for the petitioners and learned Government pleader for the respondents, it is settled proposition of law that when the petitioners are in settled possession and enjoyment of the property, the respondents are not entitled to interfere with the possession and enjoyment of the petitioners and such highhanded action of the respondents would amount to depriving the petitioners violating

constitutional right guaranteed under Article 300-A of the Constitution of India, besides violation of Article 14 of the Constitution of India. Even assuming for a moment that this petitioner's possession is illegal, still, the petitioners are required to be afforded an opportunity before taking appropriate action and in view of the law declared by the Apex Court in "***RameGowda (dead) by L.Rs. v. M.Varadappa Naidu (Dead) by L.Rs and another***.[1], when the petitioners are in settled possession and enjoyment of the property, they cannot be dispossessed, without following due process of law. Therefore, the respondents are directed not to dispossess the petitioners from the subject property, except by following due process of law.

7. With the above direction, the Writ Petition is disposed of, at the admission stage, with the consent of both the learned cousnel. There shall be no order as to costs. .

Consequently, Miscellaneous Petitions, if any, pending in the writ petition shall stand closed.

VENKATESWARLU NIMMAGADDA, J

18.03.2025
BSP

[1]2004 (1) SCC 769

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