APHC010157862025

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

[3329]

THURSDAY ,THE TWENTY SEVENTH DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 8091/2025

Between:

B Lakshmi Narayana and Others **...PETITIONER(S)**

AND

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

Counsel for the Petitioner(S):

1. SODUM ANVESHA

Counsel for the Respondent(S):

1. GP FOR REVENUE

This Court made the following ORDER:-

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

> "*..to issue an appropriate Writ order or direction mostly one which is in the nature of a Writ of Mandamus declaring the action of the Respondents in taking steps for dispossession of the Petitioners with respect to lands in S.No.164 admeasuring Ac.11.00 cents, S.No.182-2, admeasuring Ac.2.75 cents, S.No.183-1, admeasuring Ac.1-45 cents, S.No.183-2A, admeasuring Ac.2-76 cents and S.No.183-2B, admeasuring Ac.2-18 cents, totaling an extent of Ac. 20.14 cents in Bandivari Gudem Village T Narasarapuram Mandal Eluru District as illegal arbitrary unjustified Articles 14 19 and 300A of the Constitution of India unreasonable and consequently direct the Respondents to not to dispossess the Petitioners and not to interfere with the subject land without following due process of lawand pass...*"

2. The case of the petitioners is that, the petitioners are the absolute owners and possessors of the subject property, admeasuring a total extent of Ac. 20.14 cents in Bandivari Gudem Village, T. Narasapuram Mandal, Eluru District and having acquired the same through their ancestors. However, the respondents are interfering with the peaceful possession and enjoyment of the property and are trying to dispossess the petitioners from their subject property without issuing any notice or following due process of law. Hence, this writ petition.

3. 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 dispossess the petitioners from the subject land, without following due process of law.

4. On the other hand, the learned Assistant Government Pleader for Revenue appearing for the respondents furnished written instructions dated 27.03.2025 wherein it is stated that:-

> *"(5) It is further submitted that the allegations of the petitioner herein that the village Revenue officer is interfering with the possession and enjoyment of the petitioners is absolutely wrong and baseless. The official respondents herein never interfered*

into the possession of the petitioners and never intended to do so".

5. It is settled proposition of law that when the petitioner is in settled possession and enjoyment of the property, the respondents are not entitled to interfere with the possession and enjoyment of the petitioner and such highhanded action of the respondents would amount to depriving the petitioner's 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 petitioner is required to be afforded an opportunity before taking appropriate action and in view of the law declared by the Apex Court in "***Rame Gowda (dead) by L.Rs. v. M.Varadappa Naidu (Dead) by L.Rs***.[1], when the petitioner is in settled possession and enjoyment of the property, he cannot be dispossessed, without following due process of law. Therefore, the respondents are directed not to dispossess the petitioners from their subject property, except by due process of law.

[1] 2004 (1) SCC 769

6. With the above direction, the writ petition is disposed of, with the consent of both the counsel. No costs.

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

JUSTICE VENKATESWARLU NIMMAGADDA

27.03.2025
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THE HON'BLE SRI JUSTICE VENAKTESWARLU NIMMAGADDA

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