APHC010170612019

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3209]**
(Special Original Jurisdiction)

FRIDAY, THE TWENTY FIRST DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE NINALA JAYASURYA

WRIT PETITION No.7373 of 2019

Between:

Kuppala Narayana and others **...PETITIONER**

AND

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

Counsel for the Petitioner:

1. Mr.K. JYOTHI PRASAD

Counsel for the Respondent(S):

1. G.P. FOR REVENUE

The Court made the following:

ORDER:

Feeling aggrieved by the action of the respondents, particularly the 4th respondent, in interfering with the peaceful possession and enjoyment of the petitioners and in attempting to dispossess them from their respective house sites by demolishing the existing structures situated in an extent of Ac.0-03 cents each, covered by Plot Nos.3, 5, 7 and 8 in Sy.No.936-A of Peddapalle Village, Sidhout Mandal, YSR Kadapa District, without following any known procedure established by law, the present Writ Petition is filed.

2) Heard Mr.K.Jyothi Prasad, learned counsel for the petitioners and the learned Assistant Government Pleader for Revenue.

3) Learned counsel for the petitioners, *inter alia,* submits that all the petitioners are houseless and landless poor and the 4th respondent issued D-Forms, dated 20.06.2001, assigning Ac.0-03 cents each to them. While the petitioners are in peaceful possession and enjoyment of the said plots, the learned counsel submits that in view of the change in the political dispensation, the local political leaders made attempts to get the assignments of house sites to their henchmen by dispossessing the petitioners from the subject matter plots, but the same was resisted. He submits that in order to protect the lands assigned to the petitioners, they were making arrangements for construction of compound wall and at that

stage, some persons claiming to be the staff of the 4th respondent, obstructed the construction and threatened the petitioners to vacate from the house sites allotted to them. He submits that as attempts to dispossess the petitioners forcibly without issuing any notice or conducting any enquiry by giving due opportunity to the petitioners is not lawful, the present Writ Petition was filed.

4) Learned counsel further submits that at the time of considering the matter for admission, a learned Judge by orders dated 14.06.2019 directed both the parties to maintain *status quo* in respect of the subject matter property and the same was extended from time to time. He submits that if the petitioners are dispossessed from the subject property, much less without following due process of law, they would be subjected to serious prejudice, irreparable loss and their rights guaranteed under Articles 14, 21 and 300A of the Constitution of India would adversely be effected. Making the said submissions, learned counsel seeks appropriate reliefs as prayed for.

5) On the other hand, learned Assistant Government Pleader seeks time to file counter in the matter.

6) At the outset, it may be appropriate to observe that the grievance of the petitioners as ventilated in the affidavit is that the respondent authorities, more particularly, the 4th respondent is making attempts to dispossess the petitioners from the subject matter plots, which are stated

to be assigned to them vide D-Forms dated 20.06.2001, that too, without following the procedure contemplated under law i.e., by issuing notice and affording reasonable opportunity. As pointed out by the learned counsel for the petitioners, while directing 'notice before admission' by a detailed order dated 14.06.2019, a learned Judge directed both the parties to maintain *status quo* with regard to the possession of the petitioners in respect of the subject matter property as on the date of the order and the same was extended from time to time. Ultimately, on 01.10.2020 the interim order passed on the earlier occasion was extended until further orders. Though more than four years have been elapsed no counter affidavit is filed.

7) Considering the submissions made by the learned counsel for the petitioners with reference to the averments made in the Writ Petition and the relief sought for, this Court, instead of keeping the Writ Petition pending by inviting the counter, deems it appropriate to dispose of the same with a direction to the 4th respondent not to take any coercive action in respect of the subject matter property, without following due process of law. Accordingly, the Writ Petition is disposed of. No costs.

8) Consequently, the Miscellaneous Applications pending, if any, shall stand closed.

NINALA JAYASURYA, J

Date:21.03.2025.
SSV

THE HON'BLE SRI JUSTICE NINALA JAYASURYA

W.P.No.7373 of 2019

Date:21.03.2025

SSV