APHC010058222023

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3332]**
(Special Original Jurisdiction)

MONDAY, THE 2nd DAY OF NOVEMBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

WRIT PETITION NO: 2882/2023

Between:

1. NELLURI SATYANARAYANA, SON OF RADHA KRISHNA, AGED ABOUT 51 YEARS, OCC. AGRICULTURE, RESIDENT OF ANNERAOPETA VILLAGE, REDDYGUDEM MANDAL, KRISHNA DISTRICT.

2. NELLURI BHULAKSHMI,, WIFE OF N.SATYANARAYANA, AGED ABOUT 41 YEARS, OCC. HOUSEWIFE, RESIDENT OF ANNERAOPETA VILLAGE, REDDYGUDEM MANDAL, KRISHNA DISTRICT.X

...PETITIONER(S)

AND

1. THE STATE OF ANDHRA PRADESH, REPRESENTED BY ITS PRINCIPAL SECRETARY, REVENUE DEPARTMENT, A.P. SECRETARIAT, VELAGAPUDI, AMARAVATHI, GUNTUR DISTRICT.

2. THE MANDAL SURVEYOR, REDDYGUDEM MANDAL, KRISHNA DISTRICT.

3. THE TAHSILDAR, REDDYGUDEM MANDAL, KRISHNA DISTRICT.

4. MADHAVA RAO NELLURI, S/O LATE RAMABHUSHANAM, AGED ABOUT 78 YEARS, OCC AGRICULTURE, R/O H.NO.89, ANNERAOPETA VILLAGE REDDIGUDEM MANDAL KRISHNA DISTRICT, AP 521 215.CELL NO.97042 76256. R4 IS IMPLEADED

AS PER THE COURT'S ORDER DT.28.11.2025 IN I.A.NO.02 OF 2023.

...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 topleased to issue a writ or order or direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents in not conducting the survey in respect of petitioners land admeasuring Ac.9.61 cents in the total extent of Ac.12.92 cents in Sy.No.149/2 of Anneraopeta Village, Reddygudem Mandal, Krishna District, and issuing the impugned order vide R.C.C.No.216/2022 dated 29.11.2022 holding that the petitioners are in possession of Ac.8.42 cents only instead of Ac.9.61 cents as illegal, irregular, arbitrary and consequently direct the respondents to re-conduct survey and demarcate the land of the petitioners to the extent of Ac.9.61 cents out of the total extent of Ac.12.92 cents by setting aside the impugned order issued by the 3rd respondent vide R.C.C.No.216/2022 dated 29.11.2022. and pass

IA NO: 1 OF 2023

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 pleased to suspend the impugned order vide R.C.C.No.216/2022 dated 29.11.2022 issued by the 3rd respondent, pending disposal of the above Writ Petition. and pass

IA NO: 2 OF 2023

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 pleased to allow the present implead petition and permit the petitioner to be Implead as Respondent No.4 and pass

Counsel for the Petitioner(S):

1.K RAJYA LAKSHMI

Counsel for the Respondent(S):

1. GP FOR REVENUE

The Court made the following:

ORDER

This Writ Petition is filed questioning the impugned order vide R.C.C.No.216/2022 dated 29.11.2022 holding that the petitioners are in possession of Ac.8.42 only but not in Ac.9.61 cents of land.

2. Heard Smt. K.Rajya Lakshmi, learned counsel for petitioners, and Sri Venkata Satyanarayana, learned Assistant Government Pleader for Revenue.

3. Smt. K.Rajya Lakshmi, learned counsel for petitioners, appeared virtually and while reiterating the contents of the writ affidavit would contend that pursuant to the directions of this Court in Writ Petition No.31763 of 2022 filed by the petitioner seeking a direction to survey and demarcate the boundaries, the respondent no.3-Tahsildar issued notices to the petitioners as well as the neighbouring land owners, for which the neighbouring land owners filed objections stating that not to conduct survey in their lands and confine the survey to the land of the petitioners alone and thereupon the respondent no.3-Tahsildar issued the impugned endorsement stating that the petitioners have been in possession in an extent of Ac.8-42 cents only but not in Ac.9.61 cents. She would further contend that the respondent no.3 had conducted survey in a routine manner, without application of mind and hence the impugned endorsement is liable to be set aside and a direction has to be

given to the respondents to conduct survey and demarcate the land of the petitioners.

4. On the other hand, Sri Venkata Satyanarayana, learned Assistant Government Pleader for Revenue, submitted that the petitioner without availing the remedies available under the statute straight away filed the writ petition and hence the writ petition is not maintainable and the same has to be dismissed.

5. Perused the material available on record and considered the submissions made by learned counsel for the parties.

6. The contents of the writ petition as well as the impugned order clearly shows that there are serious disputed questions of fact regarding possession of the petitioners. This Court while exercising extraordinary jurisdiction under Article 226 of the Constitution cannot take up the task of resolving disputed facts, which require voluminous evidence, both oral and documentary.

7. Further, the petitioner without exhausting the statutory alternative remedy of preferring an appeal under Section 11 of the Andhra Pradesh Survey and Boundaries Act, 1923, filed this writ petition and therefore, as rightly contended by the learned Assistant government Pleader, the writ petition is not maintainable since hit by rule of exhaustion of remedies.

8. In the above view of the matter, this writ petition is dismissed. The petitioner is at liberty to avail other remedies available under law. There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

JUSTICE RAVI CHEEMALAPATI

2ND November, 2026.

RR