APHC010251052019

**IN THE HIGH COURT OF ANDHRA PRADESH**
**AT AMARAVATI** **[3333]**
**(Special Original Jurisdiction)**

TUESDAY, THE 27th DAY OF OCTOBER 2026

**PRESENT**

**THE HONOURABLE SMT JUSTICE V.SUJATHA**

**WRIT PETITION NO: 11257/2019**

**Between:**

1. GUNDU SIVASANKAR REDDY, S/O LATE VENKATA REDDY, AGED ABOUT 56 YEARS, CULTIVATION, R.D.NO. 1-89, BRAHMANAPATTU (V) AND (P) TIRUPATHI RURAL MANDAL, CHITTOOR DIST.

**...PETITIONER**

**AND**

1. THE STATE OF ANDHRA PRADESH, REPRESENTED BY ITS PRINCIPAL SECRETARY, REVENUE DEPARTMENT, VELAGAPUDI, GUNTUR DISTRICT.
2. THE DISTRICT COLLECTOR AND DISTRICT MAGISTRATE, , CHITTOOR, CHITTOOR DISTIRCT,
3. THE REVENUE DIVISIONAL OFFICER, TIRUPATHI REVENUE DIVISION, TIRUPATHI, CHITTOOR DISTRICT.
4. THE TAHSILDAR, TIRUPATHI RURAL MANDAL, CHITTOOR DISTRICT.

**...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 to issue a Writ, order or direction, especially one in the nature of Writ of Mandamus, declaring the action of the 4th respondents and staff in trying to dispossess me from Ac. 2-81 cts in S.No. 235/1, Paimashi No. 237, of Brahmanapattu Villge, Tirupathi Rural Mandal, Chittoor District without issuing notice under of the Acts in vogue or Land Encroachment Act, 1905 as illegal, arbitrary, violative of Principles of Natural Justice and Art 300-A of the

Constitution of India and consequently desist the respondents from interfering with my possession of the Ac. 2-81 cts in S.No. 235/1, Paimashi No. 237, of Brahmanapattu Villge and pass

**IA NO: 1 OF 2019**

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 For the reasons stated in the affidavit filed in support of W.P. No. of 2019, the petitioner herein pray that this Hon'ble Court may be pleased to direct the respondents not to interfere with my possession of Ac. 2-81 cts in S.No. 235/1, Paimashi No. 237, of Brahmanapattu Villge, Tirupathi Rural Mandal, Chittoor District pending disposal of the above Writ Petition and pass

**IA NO: 1 OF 2020**

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 vacate the interim order granted on 13-8-2019 in Wp. 11257 /2019 and dismiss the writ petition

**Counsel for the Petitioner:**

1. VELURU SRIRAM

**Counsel for the Respondent(S):**

1. GP FOR REVENUE (AP)

**The Court made the following:**

**THE HONOURABLE SMT JUSTICE V.SUJATHA**

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**ORDER:**

This writ petition is filed seeking the following relief/s:

> "….to issue a Writ, order or direction, especially one in the nature of Writ of Mandamus, declaring the action of the 4th respondent and staff in trying to dispossess me from Ac.2-81 cts., in S.No.235/1, Paimashi No.237, of Brahmanapattu Village, Tirupathi Rural Mandal, Chittoor District without issuing notice under of the Acts in vogue or Land Encroachment Act, 1905 as illegal, arbitrary, violative of Principles of Natural Justice and Art 300-A of the Constitution of India and consequently desist the respondents from interfering with my possession of the Ac.2-81 cts., in S.No.235/1, Paimashi No. 237, of Brahmanapattu Villge and pass…."

2. The case of the petitioner, in brief, is that the petitioner's grandfather purchased the subject land under a Registered Sale Deed dated 29.05.1958. After the demise of his grandfather, the petitioner's father succeeded the possession over the subject land and upon the demise of his father, the petitioner came into possession and enjoyed the same. It is further submitted that the petitioner has been cultivating the subject land by planting eucalyptus trees. When the revenue officials allegedly attempted to interfere with his peaceful possession and enjoyment over the subject land, the petitioner filed O.S.No.109 of 2014, which was dismissed for default.

3. While the things stood thus, the respondent officials, along with their staff, allegedly came to the subject land and directed the petitioner to vacate the land immediately. Aggrieved by the said action, the petitioner filed the present Writ Petition.

4. When the matter came up for admission on 13.08.2019, this Court passed the following interim order:

> "… In the circumstances, there shall be an interim direction to the respondents not to dispossess the petitioner from the subject land without following due process of law, if he is in possession of the subject land as on today, for a period of four (4) weeks."

5. Respondent No.4 has filed a counter-affidavit duly enclosing the vacate stay petition duly stating that the subject land admeasuring Ac.2.81 cents in Sy.No.235/1 of Brahmanapattu Village is classified as Government land and recorded as Pasuvula Metha Bhoomi (grazing ground poramboke), reserved for communal use. It is denied that the petitioner's claim of ownership is based on the Registered Sale Deed dated 29.05.1958 and that no patta was granted to the petitioner or his predecessors. It is further contended that the petitioner is in unauthorized occupation of the land and the suit filed by the petitioner *vide* O.S.No.109 of 2014 was dismissed. It is also submitted that a notice under Section 7 of the Andhra Pradesh Land Encroachment Act, 1905, has been issued to the petitioner and that any further action for eviction will be taken in accordance with law. Hence, prayed to dismiss the Writ Petition.

6. Heard learned counsel for the petitioner and the learned Assistant Government Pleader for Land Acquisition appearing for the respondents. Perused the material available on record.

7. Having considered the submissions made by the learned counsel on either side and upon perusal of the material available on record, it is evident that the respondents have not yet taken any final action to evict the petitioner from the subject land. Though the specific contention of the revenue authorities is that the subject land is classified as grazing ground poramboke and is reserved for communal purposes, the petitioner claims to be in possession and enjoyment of the same by virtue of Registered Sale Deed dated 29.05.1958. It is also evident that the petitioner has been continuing in possession of the subject land pursuant to the interim order granted by this Court on 13.08.2019. In such circumstances, the respondents are required to

follow the procedure prescribed under the Andhra Pradesh Land Encroachment Act, 1905, before taking any steps to evict the petitioner from the subject land.

8. In view of the above circumstances, the Writ Petition is disposed of, directing the respondents not to dispossess the petitioner from the subject land, without following the due process of law. It is made clear that this order shall not preclude the respondents from initiating and proceeding with appropriate action for eviction of the petitioner. There shall be no order as to costs.

As a sequel, Interlocutory Applications pending, if any, shall stand closed.

**JUSTICE V. SUJATHA**

Date: 27.10.2026
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Date: 27.10.2026
JS