APHC010439172019

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: 21182/2019

Between:

1. MALLALA POLAIAH @ VENKATA SWAMY, S/O VENKAIAH, AGED ABOUT 72 YEARS, OCC- AGRICULTURE, R/O PEDAPUTTEDU VILLAGE RAMALINGAPURAM, DAGADARTHI MANDAL, SPSR NELLORE DISTRICT.
2. GANDAVARAM SUGUNAMMA, W/O SUBBA REDDY, AGED 56 YEARS, OCC- AGRICULTURE, R/O PEDAPUTTEDU VILLAGE RAMALINGAPURAM, DAGADARTHI MANDAL, SPSR NELLORE DISTRICT

...PETITIONER(S)

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS SPECIAL CHIEF SECRETARY, REVENUE DEPARTMENT, SECRETARIAT, VELAGAPUDI, AMARAVATHI, GUNTUR DISTRICT.
2. THE DISTRICT COLLECTOR, NELLORE SPSR NELLORE DISTRICT
3. THE REVENUE DIVISIONAL OFFICER, KAVALI, SPSR NELLORE DISTRICT.
4. THE TAHSILDAR, DAGADARTHI MANDAL, SPSR NELLORE 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 an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the respondent No.3

and 4 herein in threatening to dispossess the petitioners herein from their lawful possession in respect of the land in Sy.Nos. 439/3 admeasuring Ac. 1.49 cents and Ac. 0.60 cents respectively situated at Pedaputtedu village, h/o Ramalingapuram, Dagadarthi Mandal, SPSR Nellore District, without any notice and without following the procedure contemplated under the Law, as being illegal, arbitrary, unjust, unconstitutional and violative of Articles 21 and 300-A of the Constitution of India and consequently direct the respondent Nos. 3 and 4 herein not to take any coercive steps without following the due process of Law, and to grant such other relief or reliefs as this Hon'ble Court deems fit and proper in the circumstances of the case.

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 pleased to direct the respondent Nos. 3 and 4 herein not to dispossess or in any manner interfere with the peaceful possession and enjoyment of the petitioners in respect of the land in Sy.Nos. 439/3 admeasuring Ac. 1.49 cents and Ac. 0.60 cents respectively situated at Pedaputtedu village, h/o Ramalingapuram, Dagadarthi Mandal, SPSR Nellore District, pending disposal of the main Writ Petition

Counsel for the Petitioner(S):

1. G VENKATESWARLU

Counsel for the Respondent(S):

1. GP FOR REVENUE

The Court made the following:

THE HONOURABLE SMT JUSTICE V.SUJATHA

WRIT PETITION NO: 21182 of 2019

ORDER:

This Writ Petition is filed seeking the following relief/s:

> "….to issue an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the respondent No.3 and 4 herein in threatening to dispossess the petitioners herein from their lawful possession in respect of the land in Sy.Nos. 439/3 admeasuring Ac.1.49 cents and Ac. 0.60 cents respectively situated at Pedaputtedu village, h/o Ramalingapuram, Dagadarthi Mandal, SPSR Nellore District, without any notice and without following the procedure contemplated under the Law, as being illegal, arbitrary, unjust, unconstitutional and violative of Articles 21 and 300-A of the Constitution of India and consequently direct the respondent Nos. 3 and 4 herein not to take any coercive steps without following the due process of Law, and to grant such other relief or reliefs as this Hon'ble Court deems fit and proper in the circumstances of the case…."

2. The case of the petitioners, in brief, is that petitioner No.1 claims to have purchased the land admeasuring Ac.1.08 cents in Sy.No.439/3 situated at Pedaputtedu village, Ramalingapuram, Dagadarthi Mandal, SPSR Nellore District in the name of his wife Smt. Mallala Venkanna from its lawful owners *vide* registered Sale Deed Bearing Document No.617/1985 dated 12.07.1985 and after demise of his wife, the petitioner No.1 was in peaceful possession of the said land. Petitioner No.2 claims to have purchased the land admeasuring Ac.0.60 cents in Sy.No.493/3 situated at Pedaputtedu Village *vide* un-registered document dated 18.09.1997 and later her name was mutated in the Revenue Records as pattadar. Since, then she was in peaceful possession of the said land.

3. While the things stood thus, due to the sudden change in the political scenario, upon the political pressure exerted upon the respondent authorities, respondent Nos.3 and 4 came to the petitioners land on 17.12.2019 and erected a banner alleging that the said land is Government Land and allotted

to the poor people for construction of house under Navaratna Scheme. Aggrieved by which, the petitioners filed the present writ petition.

4. When the writ petition came up for admission on 30.12.2019, this Court passed the following interim order;

> "In the meanwhile, *status-quo* obtaining as on today with regard to the land in an extent of Acres 1.49 cents and Acres 0.60 cents respectively in Survey No.439/3 situated in Pedaputtedu Village, Hamlet of Ramalingapuram, Dagadarthi Mandal, SPSR Nellore District, shall be maintained by all concerned "

5. In spite of several adjournments, no counter-affidavit is filed by the respondent authorities.

6. Heard the learned counsel for the petitioners and the learned Assistant Government Pleader for Revenue appearing for the respondents. Perused the material available on record.

7. Having considered the submissions made and upon perusal of the material available on record, it appears that the petitioners claim to have acquired their respective extents of land under the documents referred to above and have been in possession and enjoyment thereof. The material placed on record also indicates that the names of the petitioners have been reflected in the revenue records in respect of their respective extents. Further, by virtue of the Interim Order dated 30.12.2019, it appears that the petitioners were in possession of the subject land.

8. In the absence of any counter-affidavit disputing the petitioners' claim of possession and having regard to the interim order granted by this Court, this Court is of the view that the petitioners' possession over the subject land deserves to be protected, subject to their establishing their rights in accordance with law.

9. Accordingly, the Writ Petition is disposed of, directing the respondent authorities not to dispossess the petitioners from the subject land without

following due process of law. It is made clear that this order shall not preclude the respondent authorities from initiating appropriate proceedings in accordance with law. 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
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