APHC010579962026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI [3327]
(Special Original Jurisdiction)

FRIDAY, THE 30th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE K SREENIVASA REDDY

WRIT PETITION NO: 31814/2026

Between:

1. A. NAVAMOHAN REDDY, S/O. LATE A. RAJA REDDY, AGED ABOUT 65 YEARS, OCC CULTIVATION, R/O. GUDLAKATTAMANCHI VILLGE, BANGARUPALEM MANDAL, CHITTOOR DISTRICT.
2. N. SOMASEKHAR,, ADOPTED SON OF A. NAVAMOHAN REDDY, AGED ABOUT 25 YEARS, OCC CULTIVATION, R/O. GUDLAKATTAMANCHI VILLGE, BANGARUPALEM MANDAL, CHITTOOR DISTRICT.

...PETITIONER(S)

A N D

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, REVENUE DEPARTMENT, SECRETARIAT, VELAGAPUDI, AMARAVATHI, GUNTUR DISTRICT.522238
2. THE DISTRICT COLLECTOR, CHITTOOR DISTRICT, CHITTOOR. 517001
3. THE TAHSILDAR, BANGARUPALEM MANDAL, CHITTOOR DISTRICT.517416
4. THE VILLAGE REVENUE OFFICER, GUNDLAKATTAMANCHI VILLAGE, BANGARUPALEM MANDAL, CHITTOOR DISTRICT.517416

...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, or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents No.3 and 4 in interfering and threatening to dispossess the petitioners from their peaceful and enjoyment of the property of land to an extent of Ac. 1-07 cents in Sy. No. 915/2 of Gundlakattamanchi Village, Bangarupalem Mandal, Chittoor District without following due process of law as illegal, arbitrary and Principles of natural justice and consequently direct the 3rd and 4th respondents not to interfere with the possession and enjoyment of the petitioners land admeasuring to an extent of Ac. 1-07 cents in Sy.

No. 195/2 of Gundlakattamanchi Village, Bangarupalem Mandal, Chittoor District and to pass such

IA NO: 1 OF 2026

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 may be pleased to direct the respondents No. 3 & 4 not to interfere with the possession and enjoyment of the petitioner's land admeasuring to an extent of Ac. 1 07 cents in Sy. No. 195/2 of Gundlakattamanchi Village, Bangarupalem Mandal, Chittoor District pending disposal of the Writ petition before this Hon'ble court, and pass such

Counsel for the Petitioner(S):

1. N RANGA REDDY

Counsel for the Respondent(S):

1. GP FOR REVENUE

The Court made the following:

O R D E R

The present Writ Petition moved by way of Lunch Motion, came to be filed seeking the following relief:

> *"… to issue a Writ or direction more particularly one in the nature of Writ of Mandamus declaring the action of respondent Nos.3 and 4 in interfering and threatening to dispossess the petitioners from their peaceful and enjoyment of the property of land to an extent of Ac.1.07 cents in Sy.No.915/2 of Gundlakattamanchi Village, Bangarupalem Mandal, Chittoor District without following due process of law as illegal, arbitrary and principles of natural justice and consequently, direct 3rd and 4th respondents not to interfere with the possession and enjoyment of the petitioner's land admeasuring to an extent of Ac.1.07 cents in Sy.No.195/2 of Gundlakattamanchi Village, Bangarupalem Mandal, Chittoor District, and to pass such other order or orders …"*

2. Brief facts of the affidavit filed by the petitioners, are that, 2nd petitioner is the adopted son of 1st petitioner; that the schedule property of land, admeasuring an extent of Ac.1.07 cents in Sy.No.195/2 of Gundlakattamanchi Village, Bangarupalem Mandal, Chittoor District belongs to the Government, and subsequently it was assigned to one Munemma, who is none other than the wife of 1st petitioner, *vide* AM No.158/4/1414, dated 18.01.2005, and from the date of assignment, she was in peaceful possession and enjoyment of the said land, raising various seasonal crops.

It is further stated that during the life time of Munemma, she executed an Unregistered Gift Deed in favour of her daughter *viz.* Vimala, who is wife of 1st petitioner, and she succeeded to the schedule property; that the Revenue authorities issued title deed in favour of Vimala in respect of the schedule property along with other immovable property in various survey numbers *vide* Khata No.25 of Gundlakattamanchi Village; that the said Vimala adopted 2nd petitioner through a Registered Adoption Deed No.2 of 2009, dated 05.02.2009; that the said Vimala died on 08.09.2022, leaving the petitioners as her legal heirs.

It is further stated that, recognizing the peaceful possession and enjoyment of petitioners, the revenue authorities issued 1-B (RoR) *vide* L.P.No.606 in favour of 2nd petitioner. While the things stood thus, respondent Nos.3 and 4, at the instance of local political people, with a view to grab the schedule property, to get the same allotted to their henchmen, were said to have tried to dispossess the petitioners from the schedule property by threatening them with dire consequences; that on 26.10.2026, respondent No.3, along with other revenue officials and anti-social elements, was said to have entered into the schedule property to evict the petitioners forcibly, but when their acts were resisted, they went away; that the

petitioners apprehend illegal dispossession from the schedule property by respondent Nos.3 and 4 without following due process of law. Hence, the Writ Petition.

3. Learned counsel for the petitioners reiterates the contents of Writ-affidavit, and would contend that the petitioners, being the successors of the deceased Vimala, who is wife of 1st petitioner and foster mother of 2nd petitioner, were in peaceful possession and enjoyment of the schedule property, but, they apprehend dispossession from the schedule property by the respondent Nos.3 and 4 without following due process of law.

4. Learned Assistant Government Pleader for Revenue takes notice representing the respondent Nos.1 to 4 denies the contents of the affidavit, and prayed to dismiss the Writ Petition.

5. Today, when the matter is taken up, learned counsel for the petitioner placed copy of Order dated 24.08.2026 in Writ Petition No.23227 of 2026 passed by this Court, and contends that in a similar set of facts and circumstances, this Court directed the respondents therein to follow due process of law, and prays the Court that the same relief may be granted to the petitioners in the present Writ Petition.

6. This Court perused the Order dated 24.08.2026 in Writ Petition No.23227 of 2026, wherein, this Court, with regard to right of private defence of trespasser against the true owner, extensively discussed various judgments of the Hon'ble Apex Court. The relevant paragraphs of the aforesaid order read as under: (paragraph Nos.3, 4, 5, 6, 7 and 8)

> "3. In **Rame Gowda v. M.Varadappa Naidu (2004) 1 SCC 769**, a Three-Judge Bench of the Hon'ble Apex Court, while discussing the Indian Law on the subject, observed as under:
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> > "… It is thus clear that so far as the Indian Law is concerned, the person in peaceful possession is entitled to retain his possession and in order to protect such possession he may even use reasonable force to keep out a trespasser. A rightful owner who has been wrongfully dispossessed of land may retake possession if he can do so peacefully and without the use of unreasonable force. If the trespasser is in settled possession of the property belonging to the rightful owner, the rightful owner shall have to take recourse to law."
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> 4. In the case of **Ram Ratan and others v. State of Uttar Pradesh (1997) 1 SCC 188**, question cropped up before the Hon'ble Supreme Court, with regard to right of private defence of trespasser against true owner, their lordships held that true owner has no right to dispossess the trespasser by use of force, in case trespasser was in possession in full knowledge of the true

owner. Observation made by the Hon'ble Supreme Court is reproduced as under:

> "In **State of W.B. and others v. Vishnunarayan and Associates (P) Ltd. And another**, reported in (2002) 4 SCC 134, held that State and its executive officers cannot interfere with the rights of others except where their action are authorized by specific provisions of law."

5. In **H.B.Yogalaya v. State of U.P. and others (2004) 13 SCC 518** the Hon'ble Apex Court held that without any show-cause notice or hearing, neither demolition can take place nor a person may be dispossessed from the property, relevant portion is extracted hereunder:

> "Otherwise also principles of natural justice demand that a show-cause notice and hearing be given before demolishing or dispossessing a person from the properties of which he is in possession. Counsel appearing for the respondents did not contest this proposition."
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> "It is well settled that the law requires that the true owner should dispossess the trespasser by taking recourse to the remedies under the law."

6. In the celebrated case of **Maneka Gandhi v. Union of India** reported in **AIR 1978 SC 25**, the Hon'ble Supreme Court upheld the phrase no one shall be deprived of one's life and liberty except procedure established by law as employed in Article 21 of the Constitution of India. The principles of natural justice demands that the persons who are affected should be heard.

> 7. Therefore, this Court is of the opinion that the petitioner should not be dispossessed except in accordance with law, as held in **Rame Gowda's** case (supra).
>
> 8. Accordingly, the Writ Petition is disposed of, directing the respondents not to interfere with the peaceful possession and enjoyment of the petitioner's subject property, except by following due process of law. There shall be no order as to costs."

7. In the case on hand, a perusal of the material on record goes to show that Munemma, who is none other than the mother of one Vimala, wife of 1st petitioner, executed an Unregistered Gift Deed in her favour in respect of schedule property, and subsequent to death of Vimala on 08.09.2022, the petitioners, who are none other than her husband and adopted son, succeeded to the schedule property. A perusal of the material on record further goes to show that recognizing the peaceful possession and enjoyment of petitioners, the Revenue authorities issued 1-B (RoR) *vide* L.P.No.606 in favour of 2nd petitioner. However, since the petitioners apprehend illegal dispossession from the schedule property by respondent Nos.3 and 4 without following due process of law, they approached this Court with this Writ Petition.

8. Therefore, having regard to the facts and circumstances of the case, and also having regard to the fact that already this Court, in a similar set of case facts, directed the Revenue authorities concerned to follow due procedure, the petitioners herein are also entitled for the relief as prayed for.

9. Accordingly, the Writ Petition is disposed of, directing the respondents not to interfere with the peaceful possession and enjoyment of the petitioners over the schedule property, and in case of their dispossession, by following due process of law.

There shall be no order as to costs of the Writ Petition.

As a sequel, interlocutory applications pending, if any, in the Writ Petition shall stand closed.

JUSTICE K. SREENIVASA REDDY

30th October, 2026.

DNB

Note:

Registry is directed to enclose Certified copy of Order dated 24.08.2026 passed in Writ Petition No.23227 of 2026 along with the order.

B/o.
DNB