

[3330]

**IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)**

**MONDAY, THE TWENTY SECOND DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE**

:PRESENT:

HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO

WRIT PETITION NO: 705 OF 2023



Between:

Thokala Raju Samuel, S/o. T. Samuel Aged about 56 years Occ.
Agriculturist R/o. Door No.18-1-98, 30th Ward, Stationpeta, Narasapuram

.... Petitioner

AND

1. The State Of Andhra Pradesh, Rep. by its Principal Secretary Revenue Department Secretariat, Velagapudi, Guntur District
2. The District Collector, West Godavari District Eluru
3. The Sub-Collector, Narasapuram west Godavari District
4. The Narasapuram Municipal Council, Rep. by its Commissioner Narasapuram Municipality Narasapuram.
5. The Tahsildar, Narasapuram Mandal Narasapuram West Godavari District

.... Respondents

Petition under Article 226 of the Constitution of India is filed praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ, Order or direction more particularly one in the nature of Mandamus declaring the action of the Respondents in not responding in time on the complaint given by the Petitioner regarding burial of a dead body in the road margin as illegal, unlawful and arbitrary and in violation of guidelines issued by Government of Andhra Pradesh in G.O.Nts.No.1235, dated 25.10.2008 and in consequence _ thereof direct the

Respondents not to convert the road margin in RS.No.345/1 and 345/2 into a new burial ground, in addition to existing burial ground.

IA NO: 1 OF 2023

Petition under Section 151 CPC is filed praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the Respondents to take timely action in case anyone intended to burry or cremate the dead body in the road margin in Survey No.345/1, 345/2 of Chinamamidipally village upon receipt of the information is given to the respondents, Pending disposal of WP 705 of 2023, on the file of the High Court.

The petition, coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of SRI S V R SUBRAHMANYAM Advocate for the Petitioner, GP FOR REVENUE for Respondent Nos.1, 2 , 3 & 5, Sri M.Manohar Redddy Standing Counsel for respondent No.4, the Court made the following.

ORDER

The present writ petition is filed challenging the action of the respondents in converting road margin in RS.No.345/1 and 345/2 into new burial ground, in addition to the existing burial ground. Such action of the respondents is contrary to G.O.Ms.No. 1235, dated 25.10.2008. The said road margin has been used by the petitioner for ingress and egress to their agricultural lands, and the puntha has also been used as thrashing field. Petitioner herein had planted coconut saplings about fifty years ago and has been enjoying the yield of the coconuts therefrom.

The respondent No.5 filed counter-affidavit stating that already a road has been laid with a width of 12 feet in the said puntha, leaving six

feet width as road margin, and there is no disturbance to the ingress and egress of the petitioner into their lands. It is further stated that the petitioner has encroached some portion of the puntha by planting coconut saplings and by constructing a RCC building. Now, the petitioner is enjoying the yield from the coconut trees as well as the building. Therefore, the contention of the petitioner that the burial ground would cause inconvenience to ingress and egress to their agricultural lands and would create nuisance to agricultural operations is incorrect.

Denying all the averments made in the counter-affidavit, petitioner herein filed reply. In the said reply, it is stated that the petitioner made an application through *meeseva vide* application No.FSNV012300102346 and Transaction No. TAFSNEO12300102346, seeking to conduct survey and fix boundaries to petitioner's land. However, so far, the survey has not been conducted.

To resolve the dispute, this Court deems it appropriate to direct the respondents to conduct a survey, as sought by the petitioner.

Therefore, the respondents are directed to conduct the survey, in terms of the petitioner's application (referred to *supra*), in the presence of the petitioner, within a period of four (04) weeks from the date of receipt of a copy of this order. Upon completion of the survey, the respondents shall file a report before this Court within a period of two (02) weeks thereafter.

List the matter after six (06) weeks.

//TRUE COPY//

Sd/-B.CHITTI JOSEPH
DEPUTY REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary, Revenue Department, State of Andhra Pradesh, Secretariat, Velagapudi, Guntur District
2. The District Collector, West Godavari District Eluru
3. The Sub-Collector, Narasapuram west Godavari District
4. The Commissioner, Narasapuram Municipal Council, Narasapuram Municipality Narasapuram.
5. The Tahsildar, Narasapuram Mandal Narasapuram West Godavari District(1 to 5 by RPAD).
6. One CC to SRI. S V R SUBRAHMANYAM Advocate [OPUC]
7. One CC to Sri M.Manohar Reddy, Standing Counsel [OPUC]
8. Two CCs to GP FOR REVENUE ,High Court Of Andhra Pradesh.
[OUT]
9. The Section Officer, Writ Non-Service Section, High Court of Andhra Pradesh.
10. **One spare copy**

ksr

HIGH COURT

TRR, J

DATED:22/12/2025

ORDER

List the matter after six (06) weeks.

WP.No.705 of 2023

DIRECTION

