

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

MONDAY, THE SIXTH DAY OF MAY,
TWO THOUSAND AND TWENTY FOUR

:PRESENT:

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 2447 OF 2024



Between:

1. Yakasiri Ramaiah, S/o. Sankaraiah, Aged about 54 years, Thimmaji Kandriga, Naidu peta Mandal, SPSR Nellore District, Nellore.
2. Bathina Sundaraiah, S/o. Bathina Ankaiah, aged about 70 years, R/o. Thimmaji Kandriga, Naidu peta Mandal, SPSR Nellore District, Nellore.
3. Dasu Chuchu Krishnaiah, S/o. Bhupaiah, aged about 34 years, R/o. Thimmaji Kandriga, Naidu peta Mandal, SPSR Nellore District, Nellore.
4. Yakasiri Suneel Kumar, S/o. Yakasiri Venu Gopal, aged about 35 years, Thimmaji Kandriga, Naidu peta Mandal, SPSR Nellore District, Nellore.
5. Yakasiri Adhi Lakshmi, W/o. Yakasiri Ramaiah, Aged about 51 years, R/o. Thimmaji Kandriga, Naidu peta Mandal, SPSR Nellore District, Nellore.
6. Chemirthi venkateswarlu, S/o. Chemirthi Papaiah, Aged about 39 years, R/o. Thimmaji Kandriga, Naidu peta Mandal, SPSR Nellore District, Nellore.
7. Yakasiri Mohini Supriya, D/o. Yakasiri Ramaiah, aged about 27 years, R/o. Thimmaji Kandriga, Naidu peta Mandal, SPSR Nellore District, Nellore.
8. Yakasiri Mohan Krishna, S/o. Yakasiri Venu Gopal, aged about 29 years, Thimmaji Kandriga, Naidu peta Mandal, SPSR Nellore District, Nellore.
9. Yakasiri Venu Gopal, S/o. Yakasiri Sankaraiah, aged about 60 years, Thimmaji Kandriga, Naidu peta Mandal, SPSR Nellore District, Nellore.

...Petitioners

AND

1. The State of Andhra Pradesh, Rep by Principal Secretary (Revenue Department), Secretariat Buildings, Velagapudi, Guntur District.
2. The State of Andhra Pradesh, Rep by Principal Secretary (irrigation Department), Secretariat Buildings, Velagapudi, Guntur District.
3. The District Collector, Tirupathi, Tirupathi District.
4. The Revenue Divisional Officer, Sullurupeta Revenue Division, Sullurupeta, Tirupathi District.
5. The Tahsildar, Naidupeta Mandal, Tirupathi District.
6. The Thimmaji Kandriga Grama Panchayati, Naidupeta Mandal, Tirupathi District, Rep by its Panchayat Secretary.

...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 or order or direction more particularly one in the nature of WRIT OF MANDAMUS Declaring the action of the Respondents Authorities who has failed to consider the Spandana Application Vide Application No.TPT202306122316 and TPT202401084682 of the Petitioner dated 12.06.2023 dated 08.01.2024, in respect of protecting the Swarnamukh River lands from encroachments and making illegal constructions in survey No.76-A to an extent Ac 138.25 cents, situated at near Thimmaji Kandriga Village, Naidupet Mandal, SPSR Nellore District, is illegal arbitrary and contrary to law and consequently direct the respondents to forthwith take necessary steps to remove the encroachments in survey No. 76- A to an extent Ac 138.25 cents, situated at near Thimmaji Kandriga Village, Naidupet Mandal, SPSR Nellore District., and protect the aforementioned Swarnamukh River lands and preserve the same;

IA NO: 1 OF 2024:

Petition under Section 151 CPC is filed praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct the respondents to consider the representation of the

petitioners Spandana Application Vide Application No.TPT202306122316 and TPT202401084682 dated 12.06.2023, 08.01.2024, and forthwith take necessary steps by removing the encroachments in survey No. 76- A to an extent Ac 138.25 cents, situated at near Thimmaji Kandriga Village, Naidupet Mandal, SPSR Nellore District., and protect the aforementioned Swarnamukh River lands and preserve the same, pending disposal of WP.No.2447 of 2024, 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 the earlier order of the High Court dated. 02.02.2024, made herein and upon hearing the arguments of Sri Naga Raju Kollati, Advocate for the Petitioner and GP for Revenue for the Respondent Nos.1 & 3 to 5 and GP for Irrigation for the Respondent No.2 and Sri G.Venkata Reddy, Standing Counsel for the Respondent No.6, the Court made the following

ORDER:

Learned counsel for the petitioner submits that the Advocate Commissioner submitted a report stating that the respondents did not initiate any steps even though encroachments have been coming up day by day.

Learned Government Pleader as well as learned Standing Counsel appearing for the respondents seeks time for filing written instructions or for filing objections or for filing counter.

In view of the same, learned Government Pleader as well as learned Standing Counsel are hereby directed to file written instructions or objections or counters on behalf of respondent Nos. 3 to 6 on or before 27.06.2024. Failing which, respondent Nos. 3 to 6 shall appear before this Court on the next date of hearing and to explain the reasons for not filing any counter or objections or instructions as directed.

List the matter on 27.06.2024.

//TRUE COPY//

Sd/- B. PRASADA RAO
ASSISTANT REGISTRAR

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SECTION OFFICER

To,

1. The Principal Secretary (Revenue Department), State of Andhra Pradesh, Secretariat Buildings, Velagapudi, Guntur District.
2. The Principal Secretary (Irrigation Department), State of Andhra Pradesh, Secretariat Buildings, Velagapudi, Guntur District.
3. The District Collector, Tirupathi, Tirupathi District.
4. The Revenue Divisional Officer, Sullurupeta Revenue Division, Sullurupeta, Tirupathi District.
5. The Tahsildar, Naidupeta Mandal, Tirupathi District.
6. The Panchayat Secretary, Thimmagi Kandriga Grama Panchayati, Naidupeta Mandal, Tirupathi District. **(Addressee Nos.1 to 6 by RPAD)**
7. One CC to Sri. Naga Raju Kollati, Advocate [OPUC]
8. Two CCs to GP for Revenue, High Court of Andhra Pradesh. [OUT]
9. Two CCs to GP for Irrigation, High Court of AP [OUT]
10. One CC to Sri G.Venkata Reddy, Standing Counsel [OPUC]
11. One spare copy

PSR

HIGH COURT

NV,J

DATED:06.05.2024.

NOTE: LIST THE MATTER ON 27.06.2024.

ORDER

WP.No.2447 of 2024

APPEARANCE

