

**IN THE HIGH COURT OF ANDHRA PRADESH ::
AMARAVATI
(Special Original Jurisdiction)**

APHC010096802024

[3332]

WEDNESDAY ,THE TWENTY EIGHTH DAY OF
FEBRUARY
TWO THOUSAND AND TWENTY FOUR
PRESENT

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

WRIT PETITION NO: 5148 OF 2024

Between:

Karanapu Eswari,

...PETITIONER(S)

AND

THE STATE OF ANDHRA PRADESH AND OTHERS

...RESPONDENT(S)

Counsel for the Petitioner(s):SRI. S.V.S.S.SIVA RAM

Counsel for the Respondents: GP FOR REVENUE

The Court made the following:

Notice before admission.

Learned Government Pleader for Revenue, takes notice for respondent Nos.1 to 4.

For counter, post on 20.03.2024.

Learned counsel for the petitioner submitted that in the cause title instead of Tahsildar, Anandapuram written as Tahsildar, Bheemunipatnam and sought permission of this Court to correct in the open Court.

Permission is accorded, as sought for.

I.A.No.1 of 2024

Heard.

Sri S.V.S.S.Siva Ram, learned counsel for the petitioner in elaboration contended that, invoking A.P Land Encroachment Act, 1905 the revenue authorities having issued notice dated 15.02.2024 under Section 7, alleging that the petitioner along with another have encroached into Government Land illegally without having any right. Wherein, the petitioner submitted his explanation on 17.02.2024. The respondent authorities, without passing any orders, on the petitioner's explanation, attempted to demolish the petitioner's property situated in an extent of Ac.1.50 cents in Sy.No.129 in Vemulavalasa Village, Anandapuram Mandal, Visakhapatnam District that too in the night hours and partly demolished. Upon petitioner's resistance they went away stating that they would come again and demolish the entire structure of the petitioner. If such further action is allowed to continue, it affects rights of the petitioner, as such, prayed to pass appropriate orders by protecting the interest of the petitioner.

On the other hand, learned Assistant Government Pleader for revenue on written instruction dated 27.02.2024 contended that, the subject land is vacant on ground since long back and the petitioner herein is also not in possession of the said land. Hence, the Freehold

rights to the subject land were also not considerable as per the rules. The said instructions are placed on record and have drawn the attention of this Court to the same.

A perusal of the record would indicate that the Tahsildar concerned invoking A.P Land Encroachment Act, 1905 under Section 7 issued a notice *vide* Rc.No.47/2024/A dated 15.02.2024 Anandapuram (M) for which the petitioner submitted his explanation on 17.02.2024 wherein, an endorsement is also made on the said explanation by the Tahsildar. Now, the contentions of the learned counsel for the petitioner is that, without passing any orders on the petitioner's explanation, the authorities have partly demolished the petitioner's structure. The written instructions sent by the Tahsildar *vide* RC.No.78/2024/A dated 27.02.2024 would indicate that, the petitioner is not in possession of the property and the said land is vacant land.

It is very surprising to see that, if the petitioner is not possession of the said property as to how the notice under Section 7 has been issued. This shows that the Tahsildar has acted without applying his mind property. In order to adjudicate the grievance of the petitioner a detailed counter is required to be invited.

Prima-facie a point for consideration has been made out by the petitioner, as such, this Court is inclined to pass the following interim order:

“The respondent authorities directed not to interfere with the petitioner’s property to an extent of Ac.1.50 cents in Sy.No.129 in Vemulavalasa Village, Anandapuram Mandal, Visakhapatnam District, pending further orders”.

JUSTICE RAVI CHEEMALAPATI

Date: 28.02.2024
ANS