

[3332]
IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

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

:PRESENT:

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

IA No. 1 OF 2024

IN

WP NO: 5148 OF 2024

Between:

Karanapu Eswari, W/o Late Karanapu Sudarsana Rao, Aged 60 years, R/o
Vemulavalasa, Anandapuram Mandal, Visakhapatnam District.

Petitioner

AND

1. The State of Andhra Pradesh, Rep by its Principal Secretary, Revenue Department, Secretariat, Velagapudi, Amaravati, Guntur District
2. The District Collector, Visakhapatnam.
3. The Revenue Divisional Officer, Bheemunipatnam, Visakhapatnam
4. The Tahsildar, Anandapuram Mandal, Visakhapatnam

Respondents

Counsel for the Petitioner : SRI S.V.S.S.SIVA RAM

Counsel for the Respondent Nos.1 to 4 :GP FOR REVENUE

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 to direct the respondents herein not to interfere with the possession of the petitioner's land admeasuring Acres 1.50 cents in Survey Nos. 129, in Vemulavalasa Village, Anandapuram Mandal, Visakhapatnam District, pending disposal of WP No. 5148 of 2024, on the file of the High Court.

The court while directing issue of notice to the Respondents herein to show cause as to why this application should not be complied with, made the following order. (The receipt of this order will be deemed to be the receipt of notice in the case).

ORDER:

"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."

//TRUE COPY//

SD/- K. SRINIVASA RAJU
ASSISTANT REGISTRAR

For /

SECTION OFFICER

To,

1. The Principal Secretary, Revenue Department, Secretariat, Velagapudi, Amaravati, Guntur District, State of Andhra Pradesh.
2. The District Collector, Visakhapatnam.
3. The Revenue Divisional Officer, Bheemunipatnam. Visakhapatnam
4. The Tahsildar, Anandapuram Mandal, Visakhapatnam (Addressee Nos. 1 to 4 by RPAD- along with a copy of petition and affidavit)
5. One CC to SRI. S.V.S.S.SIVA RAM Advocate [OPUC]
6. Two CCs to GP FOR REVENUE, High Court of Andhra Pradesh. [OUT]
7. One spare copy

KJ

HIGH COURT

RC,J

DATED:28/02/2024

POST 20.03.2024

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IN

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DIRECTION

