

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

FRIDAY, THE TWENTY FIRST DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE



PRESENT
THE HONOURABLE SRI JUSTICE T.C.D.SEKHAR

WRIT PETITION NO: 6786 OF 2020

Between:

1. K.Naga Raju, S/o Subba Rayudu, aged about 50 years, R/o Madakalavaripalle, Gopavaram Mandal, YSR Kadapa District.
2. K.Prabhakar, S/o Subba Rayudu, aged about 40 years, R/o Madakalavaripalle, Gopavaram Mandal, YSR Kadapa District.

...Petitioners

AND

1. The State of Andhra Pradesh, Rep by its Principal Secretary, Revenue Department, Secretariat, Velagapudi, Guntur District.
2. The District Collector, YSR Kadapa District, YSR Kadapa.
3. The Tahsildar, Gopavaram Mandal, YSR Kadapa District.

...Respondents

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 writ, order or orders more particularly one in the nature of Writ of Mandamus declaring the Order in Ref.No.B/59/2020, dated 04.03.2020 (issued by the 3rd respondent directing the petitioners to evict within 24 hours from the agriculture land to an extent of Ac.0.28 cents in Sy.No.1047, Ac. 1.72 cents in Sy.No.1049 and Ac.0.02 cents in Sy.No.1053 situated at Madakalavaripalli Village, Gopavaram Mandal, YSR

Kadapa District is illegal, arbitrary, unconstitutional, influenced by extraneous considerations, colourable exercise of powers, apart from violative of Articles 14, 21 and 300-A of the Constitution of India, set aside the same and consequently direct the 3rd respondent not to evict the petitioners from the land to an extent of Ac.0.28 cents in Sy.No.1047, Ac. 1.72 cents in Sy.No.1049 and Ac.0.02 cents in Sy.No.1053 situated at Madakalavaripalli Village, Gopavaram Mandal, YSR Kadapa District.

IA NO: 1 OF 2020

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 3rd respondent not to evict the petitioners from the land to an extent of Ac.0.28 cents in Sy.No.1047, Ac. 1.72 cents in Sy.No.1049 and Ac.0.02 cents in Sy.No.1053 situated at Madakalavaripalli Village, Gopavaram Mandai, YSR Kadapa District by suspending the Order in Ref.No.B/59/2020, dated 04.03.2020 issued by the 3rd respondent pending disposal of the above writ petition.

Counsel for the Petitioner: SRI. DODDAKA HARSHA VARDHAN

Counsel for the Respondents: GP FOR REVENUE

The Court made the following order:



IN THE HIGH COURT OF ANDHRA PRADESH

AT AMARAVATI

[3505]

(Special Original Jurisdiction)

**FRIDAY ,THE TWENTY FIRST DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE SRI JUSTICE T.C.D.SEKHAR

WRIT PETITION NO: 6786/2020

Between:

K.naga Raju, and Others

...PETITIONER(S)

AND

The State Of Andhra Pradesh and Others

...RESPONDENT(S)

Counsel for the Petitioner(S):

1.DODDAKA HARSHA VARDHAN

Counsel for the Respondent(S):

1.GP FOR REVENUE (AP)

The Court made the following order:

1. It is the case of the petitioners that they made a representation dated 23.04.2015 to the 3rd respondent to grant assignment patta in their favour. Pursuant to their representation, the 3rd respondent directed the Mandal Revenue Inspector, Mandal Surveyor and Village Revenue Officer to conduct an enquiry and submit a report. In pursuance of the same, a report was submitted to the 3rd respondent stating that the petitioners are entitled to grant patta. Despite the said recommendation made by the Revenue Authorities, no patta was granted but nevertheless, it is averred in the affidavit filed in support of the writ petition that the petitioners are in possession of land admeasuring an extent of Ac.0.28 cents in Sy.No.1047, Ac.1.72 cents in Sy.No.1049 and Ac.0.02 cents in Sy.No.1053 of Madakalavaripalli Village, Gopavaram Mandal, YSR Kadapa District.

2. It is further case of the petitioners that when their request for grant of DKT patta was pending consideration, the 3rd respondent issued notice dated 28.02.2020 in exercise of powers conferred under Section 7 of the Land Encroachment Act on the premise that the petitioners are in unauthorized occupation of the



subject lands and called for objections, as to why they shall not be dispossessed. After receipt of the notice dated 28.02.2020, the petitioners have submitted explanation dated 29.02.2020 to the 3rd respondent and the same was sent through registered post with acknowledgment due. Copy of the same, sent through registered post, is filed along with the writ petition.

3. It is further case of the petitioners that despite receipt of objections dated 29.02.2020, the 3rd respondent passed order under Section 6 of the Land Encroachment Act, 1905 on 04.03.2020 stating that the petitioners have not submitted reply to the show cause notice. The said order dated 04.03.2020 is being impugned in the present writ petition.

4. Heard learned counsel for the petitioners and learned Assistant Government Pleader for Revenue. Perused the material available on record.

5. On perusal of the record, it is clear that the petitioners have submitted an explanation dated 29.02.2020, pursuant to the notice dated 28.02.2020 issued by the 3rd respondent. Proof evidencing the same is filed along with the writ petition. Despite the same, the 3rd respondent passed impugned





order stating that no objections received from the petitioners is contrary to record.

6. Further, on perusal of the show cause notice dated 28.02.2020, it is clear that the 3rd respondent directed the petitioners to submit an explanation within a period of two days i.e., on or before 02.03.2020. In this connection, the learned counsel for the petitioners placed reliance on order passed by this Court in W.P.No.20226 of 2024, wherein this Court held as under:-

"2. Learned Counsel for the Writ Petitioner has drawn the attention of this Court to the Impugned Notice dated 03.09.2024 (Ex.P.1). Learned Counsel for the Writ Petitioner would submit that the time that is granted for submitting an explanation is only seven days and providing such a short time is not only unreasonable but it is also in violation of the principles of Natural Justice. This Court has sifted through the Impugned Notice dated 03.09.2024 and finds that only seven days has been given to the Writ Petitioner to answer the allegations mentioned in the Notice. This Court is of the opinion that the time that was granted is inadequate and therefore, is in violation of the principles of Natural Justice. Accordingly, the time granted in the Impugned Notice of a period of seven days is extended by another period of four weeks from today to submit explanation to the Tahsildar (Respondent No.4).

3. Needless to state that such 'explanation' submitted by the Writ Petitioner shall be objectively considered by the Respondent No.4 in accordance with law.



There shall be a further direction that until passing of the final order after consideration of the 'explanation', the Respondent No.4 shall not interfere with the peaceful possession of the Writ Petitioner."

6. In the case on hand, as already stated though the petitioners have submitted an explanation dated 29.02.2020 and despite receiving the same the 3rd respondent neither considered the objections raised by the petitioners nor the same is referred to in the impugned order dated 04.03.2020. The said action of the 3rd respondent in passing the impugned order is nothing but clear violation of principles of natural justice.

7. In view of the matter, the order impugned dated 04.03.2020 passed by the 3rd respondent is hereby set aside. Further, the petitioners are directed to submit fresh explanation within a period of four (04) weeks, from the date of receipt of copy of this order and thereafter, the 3rd respondent is directed to pass appropriate orders, after affording an opportunity of being heard to the petitioners. It is made clear that, the interim order dated 17.03.2020 granted by this Court shall continue till then.

8. Accordingly, the Writ Petition is allowed. No costs.



As a sequel, miscellaneous applications pending, if any,
shall stand closed.

//TRUE COPY//

Sd/- N NAGAMMA
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary, Revenue Department, State of Andhra Pradesh, Secretariat, Velagapudi, Guntur District.
2. The District Collector, YSR Kadapa District, YSR Kadapa.
3. The Tahsildar, Gopavaram Mandal, YSR Kadapa District.
4. One CC to Sri. Doddaka Harsha Vardhan Advocate [OPUC]
5. Two CCs to GP for Revenue, High Court Of Andhra Pradesh. [OUT]
6. Three CD Copies

GSC

HIGH COURT

DATED:21/03/2025

ORDER

WP.No.6786 of 2020



ALLOWING THE WP

WITHOUT COSTS