

**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 VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 7017 OF 2025

Between:

S. M. Rafi, S/o. Late S. Raheem Saheb, Aged about 67 years, Occ: Tea stall Business, R/o D.No.22-27, Sultab Sab Street, Punganur Town AND Municipality, Chittoor District.

...PETITIONER

AND

1. The State of Andhra Pradesh, Rep by the Prl. Secretary, Revenue Department, Secretariat, Velagapudi, Guntur District.
2. The District Collector, Chittoor, Chittoor District.
3. The Revenue Divisional Officer, Palamaner, Chittoor District.
4. The Tahsildar, Punganur Mandal, Chittoor District.
5. The Punganur Municipality, Rep. Its Commissioner, Punganur, Chittoor 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 an appropriate Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, declaring action on part of the 4th respondent without giving any opportunity and without following due process of law to demolish the petitioner tea shop at Koundinya river vacant site in Sy.No.145 of Punganur Town AND Municipality, Chittoor District is illegal, arbitrary, violative of the principles of natural justices and offends Articles 21 and 300 A of Constitution of India and consequently this Honble court to direct the respondents No.4 and 5 not to interfere for

further demolish the petitioner Tea Shop at Koundinaya river vacant site in Sy.no. 145 of Punganur Town AND Municipality, Chittoor District.

IA NO: 1 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct to the respondents No.4 and 5 not to further demolish the petitioner Tea Shop at Koundinaya river vacant site in Sy.no. 145 of Punganur Town & Municipality. Chittoor District, pending disposal of the main writ petition.

Counsel for the Petitioner : SRI P. V. VENKATA RAVI SANKAR

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

**Counsel for the Respondent No.5 : Mrs. V.SIREESHA RANI,
SC FOR MUNICIPALITY**

The Court made the following: ORDER



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

[3329]

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

PRESENT

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 7017/2025

Between:

S M Rafi

...PETITIONER

AND

The State Of Ap and Others

...RESPONDENT(S)

Counsel for the Petitioner:

1.P V VENKATA RAVI SANKAR and Dr. P.B Reddy

Counsel for the Respondent(S):

1.GP FOR REVENUE

The Court made the following:

THE HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 7017/2025

ORDER:

This writ petition is filed under Article 226 of the Constitution of the India seeking the following reliefs:-

"to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring action on part of the 4th respondent without giving any opportunity and without following due process of law to demolish the petitioner tea shop at Koundinya river vacant site in Sy.No.145 of Punganur Town & Municipality, Chittoor District is illegal, arbitrary, violative of the principles of natural justices and offends Articles 21 and 300-A of Constitution of India and consequently this Hon'ble court to direct the respondents Nos.4 and 5 not to interfere for further demolish the petitioner Tea Shop at Koundinaya river vacant site in Sy.No.145 of Punganur Town & Municipality, Chittoor District and pass such other order."

2. During hearing, learned counsel for the petitioner, without touching the merits of the case, requested this Court to issue a direction to the respondents not to interfere or demolish the petitioner's subject tea shop without following due process of law.

3. Learned Assistant Government Pleader for Revenue submits that, if the petitioner's subject tea shop is not demolished so far, the respondents would follow due process of law and requested to pass appropriate orders.

4. Having regard to the submissions made by the learned counsel for the petitioner and the learned Assistant Government

Pleader for the respondents, it is observed that when the petitioner is in settled possession and enjoyment of the subject property, he cannot be dispossessed, without following due process of law in view of the law declared by the Apex Court in "**Rame Gowda (dead) by L.Rs. v. M.Varadappa Naidu (Dead) by L.Rs.1**". Therefore, if the petitioner is in possession of the subject tea shop and if the same is not demolished so far, the respondents are directed not to interfere or demolish the petitioner's subject tea shop, except by due process of law.

5. With the above direction, the writ petition is disposed of. There shall be no order as to costs.

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

//TRUE COPY//

**Sd/- K. TATA RAO
DEPUTY REGISTRAR**

SECTION OFFICER

To,

1. The Principal Secretary, Revenue Department, State of Andhra Pradesh, Secretariat, Velagapudi, Guntur District.
2. The District Collector, Chittoor, Chittoor District.
3. The Revenue Divisional Officer, Palamaner, Chittoor District.
4. The Tahsildar, Punganur Mandal, Chittoor District.
5. The Commissioner, Punganur Municipality, Punganur, Chittoor District.
6. One CC to Sri P. V. Venkata Ravi Sankar, Advocate [OPUC]
7. Two CCs to GP for Revenue, High Court of Andhra Pradesh. [OUT]
8. One CC to Mrs. V.Sireesha Rani, SC for Municipality (OPUC)
9. Three C.D. Copies.

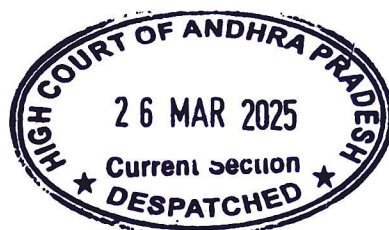
Cnr

HIGH COURT

DATED:21/03/2025

ORDER

WP.No.7017 of 2025



**DISPOSING OF THE W.P.
WITHOUT COSTS**