

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 SUBBA REDDY SATTI

WP NO: 6607 OF 2024

Between:

D Penchalamma, W/o. Prasad, C/o. Basavanth Kademani, Aged about 49 years, Occ. Agriculture, R/o.H.No.08, Shivaji Nagar, Shivaji Statchu Mutago, Mutago, Belgaum, Karnataka - 591 124.

...Petitioner

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary, Department of Revenue, Secretariat Buildings, Velagapudi, Amaravathi, Guntur District, A.P.
2. The District Collector, Nellore, SPSR Nellore District.
3. The Revenue Divisional Officer, Revenue Divisional Office, Atmakur, SPSR Nellore District.
4. The Tahsildar, Chejarla Mandal, SPSR Nellore District.
5. Garlapati Varalamma, W/o. Sundaraiah, Aged about 73 years, Occ:Agriculture, R/o. Pullanellapalli Village, Chejarla Mandal, SPSR Nellore District - 524 341.
6. Tumati Subbaratnamma, W/o. Venkataswamy, Aged about 70 years, Occ . Agriculture, R/o. Pullanellapalli Village, Chejarla Mandal, SPSR Nellore District - 524 341.

...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 an appropriate writ, order or direction more particularly

one in the nature of Writ of Mandamus, declaring the action of the respondents 2 to 4 in interfering with the possession of the petitioner in respect of her property admeasuring Ac.2.06cts (Originally the extent of Ac.2.50cts) out of the total extent of Ac.10.12cts in Sy.No.511 of Pelleru Village, Chejarla Mandal, SPSR Nellore District at the instance of respondents 5 and 6 as bad, illegal, arbitrary, violative of Articles 14,16,21 and 300-A of the Constitution of India and consequently direct the respondents to not to interfere with the possession of the petitioner in respect of her property admeasuring Ac.2.06cts (Originally the extent of Ac.2.50cts) out of the total extent of Ac.10.12cts in Sy.No.511 of Pelleru Village, Chejarla Mandal, SPSR Nellore District in the interest of justice.

I.A.No.1 OF 2024

Petition under Section 151 of CPC is filed 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 not to interfere in the physical possession of the petitioner in an extent of Ac.2.06cts (Originally the extent of Ac.2.50cts) out of the total extent of Ac. 10.12cts in Sy.No.511 of Pelleru Village, Chejarla Mandal, SPSR Nellore District, Pending disposal of WP No. 6607 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 order of the High Court, dated 15.03.2024 made herein and upon hearing the arguments of **SRI V S K RAMA RAO**, Advocate for the Petitioners, GP FOR REVENUE for the Respondent Nos.1 to 4, the Court made the following

ORDER:

Heard Smt.Nimmagadda Revathi, learned counsel for the petitioners in W.P.No.10467 of 2024 and Sri V.S.K.Rama Rao, learned counsel for the petitioner in W.P.No.6607 of 2024.

W.P.No.6607 of 2024 was filed to declare the action of the respondents 2 to 4 in interfering with the possession of the petitioner in respect of her property of an extent of Ac.2-06 cents out of Ac.10.12 cents in Sy.No.511 of Pelleru Vilalge, Chejarla Mandal, SPSR Nellore District at the instance of respondents 5 and 6, as illegal and arbitrary.

On 15.03.2024, learned Single Judge of this Court granted order of status-quo. Pursuant to the status-quo order, the Tahsildar – 4th respondent directed to display a sign-board indicating order status quo and directed the parties not do any agricultural operations.

Grievance of the petitioners in W.P.No.10467 of 2024 is that by keeping the sign board, the Tahsildar, is not allowing the petitioners to harvest paddy crop in their agricultural lands. Survey sketch and survey report are filed as material papers in W.P.No. 10467 of 2024.

A perusal of the survey report filed as Ex.P-9 in W.P.No.10467 of 2024 is clear as to the sub-division and location of the fields. The order of status-quo granted in respect of Ac.2-06 cents, is clearly identifiable.

Learned counsel for the petitioners would submit that the petitioners are not interfering with the possession of petitioner in W.P.No. 6607 of 2024. In fact, the survey report and sketch could have been filed by the petitioner in W.P.No. 6607 of 2024 for better appreciation.

In fact, the survey report dated 28.10.2022 makes it clear as to the possession of the respective parties and extent. Thus, there is no dispute to identity the property on ground, keeping the sign-board and directing the parties not to harvest the crop, in the opinion of this Court, the authorities misunderstood the order.

In view of the facts and circumstances, the 4th respondent-Tahsildar shall allow the petitioners in W.P.No.10467 of 2024 to harvest paddy crop of from an extent of Ac.8-00 cents, as indicated in the sketch filed as Ex.P-7; enjoyment sketch Ex.P-8 and survey report Ex.P-9. The order of status quo granted in W.P.No.6607 of 2024 shall not come in the way of petitioners in harvesting the paddy crop in their extent of land.

List the matter after Summer Vacation-2024.

SD/-K.SRINIVASA RAJU
ASSISTANT REGISTRAR

//TRUE COPY//


For ASSISTANT REGISTRAR

To,

1. The Principal Secretary, Department of Revenue, State of Andhra Pradesh Secretariat Buildings, Velagapudi, Amaravathi, Guntur District, A.P.
2. The District Collector, Nellore, SPSR Nellore District
3. The Revenue Divisional Officer, Revenue Divisional Office, Atmakur, SPSR Nellore District
4. The Tahsildar, Chejarla Mandal, SPSR Nellore District
5. Garlapati Varalamma, W/o. Sundaraiah, R/o. Pullanellapalli Village, Chejarla Mandal, SPSR Nellore District - 524 341

6. Tumati Subbaratnamma, W/o. Venkataswamy, R/o. Pullanellapalli Village, Chejarla Mandal, SPSR Nellore District - 524 341.

(Addressees 1 to 6 By RPAD)

7. One CC to SRI.V.S.K.RAMA RAO Advocate [OPUC]
8. Two CCs to GP FOR REVENUE, High Court of Andhra Pradesh. [OUT]
9. **One spare copy**

SRL

HIGH COURT

SRS,J

DATED:06/05/2024

List the matter after Summer Vacation-2024.

ORDER

WP NO: 6607 OF 2024

DIRECTION

