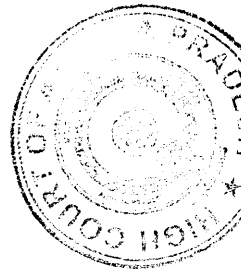


IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

**THURSDAY, THE NINETEENTH DAY OF MARCH,
TWO THOUSAND AND TWENTY**

**: PRESENT:
THE HONOURABLE SRI JUSTICE M.SATYANARAYANA MURTHY**

WRIT PETITION NO: 7746 OF 2020



Between:

1. Talabathula Veera bhoga Vasantha Venkata Satyannarayan Alias Srinivasa Rao, S/o.T.Varaha Narasimha Charyulu, Aged 56 years, Occ:Agriculture, Muthyalapeta village, Chirala Mandal, Praksam District.
2. Talabathula Thrimurthulu, S/o T Varaha Narasimha Charyulu, Aged 49 years, Occ:Agriculture, Muthyalapeta Village, Chirala Mandal, Prakasam District.

...Petitioners

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary, Revenue Department, A.P. Secretariat Buildings, Velagapudi, Amaravathi, Andhra Pradesh.
2. The District Collector, Chirala, Praksam District.
3. The Revenue Divisional Officer, Chirala, Praksam District .
4. The Tahsildar, Chirala, Praksam 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 a writ, Order or direction particularly one in the nature of Writ of mandamus declaring the action of the respondents in trying to dispossess the petitioners herein from the agricultural land to an extent of Ac.2.00 cents in sy.no. 66-5, 66-5 cents situated in Perala Village, Chirala Mandal, Prakasam District and also an extent of Ac.1-00 cents in Sy.No 66-3 situated in Perala Village, Chirala Mandal, Prakasam District without following due process of law, as illegal and arbitrary and violation Article 14, 21 and 300-A of the Constitution of India and consequently direct the respondents not to dispossess the petitioners herein from the subject land to an extent of Ac.2.00 cents in sy.no. 66-5, 66-5 cents situated in Perala Village, Chirala Mandal, Prakasam District , and also an extent of Ac.1-00 cents in Sy.No 66-3 situated in Perala Village, Chirala Mandal, Prakasam District pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

IA NO: 1 OF 2020

Petition under Section 151 of 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 the respondents not to dispossess the petitioners herein from the subject land to an extent of Ac.2.00 cents in sy.no. 66-5, 66-5 cents situated in Perala Village, Chirala Mandal, Prakasam District, and also an extent of Ac.1-00 cents in Sy.No 66-3 situated in Perala Village, Chirala Mandal, Prakasam District, pending disposal of WP 7746 of 2020 on the file of the High Court.

The writ petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of Sri. E V V S RAVI KUMAR, Advocate for the Petitioners, GP FOR REVENUE for the Respondents and the Court made the following.

ORDER:

At request of learned Assistant Government Pleader for Revenue for obtaining instructions and for filing counter post of after two (02) weeks.

It is the contention of petitioners that no notice was served on the petitioners either in Form-I or Form-II or under both.

But, the learned Assistant Government Pleader for Revenue submitted that notices in Forms I & II were issued as per Rule 3 of the Rules framed there under the Act calling upon the petitioners to submit their explanations within 15 days from the date of receipt of the notice, and no order is passed and it is pending for consideration before the Tahsildar.

Since no order is passed as on date, the petitioners cannot be dispossessed from the land, and whether the notices in Forms I & II or both are served is the question to be decided.

Hence, there shall be an interim direction to the respondents not to dispossess the petitioners from the subject matter of land in dispute for a period of two (02) weeks.

In the meantime, the respondents are directed to furnish copies of notices in Forms I & II alleged to be served on the petitioners.

SD/- M. SURYANADHA REDDY
ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To,

1. The Principal Secretary, Revenue Department, A.P. Secretariat Buildings, Velagapudi, Amaravathi, Andhra Pradesh. (by RPAD)
2. The District Collector, Chirala, Prakasam District (by RPAD)
3. The Revenue Divisional Officer, Chirala, Prakasam District . (by RPAD)
4. The Tahsildar, Chirala, Prakasam District . (by RPAD)
5. One CC to SRI. E V V S RAVI KUMAR, Advocate [OPUC]
6. Two CCs to GP FOR REVENUE , High Court of Andhra Pradesh. [OUT]
7. One spare copy

HIGH COURT

MSMJ

DATED: 19/03/2020

ORDER

WP.No.7746 of 2020

INTERIM DIRECTION