



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

[3329]

**TUESDAY ,THE EIGHTEENTH DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 6775/2025

Between:

Machana Sushma Chowdary, and Others

...PETITIONER(S)

AND

The State Of Andhra Pradesh and Others

...RESPONDENT(S)

Counsel for the Petitioner(S):

1.NIMMAGADDA REVATHI

Counsel for the Respondent(S):

1.GP FOR REVENUE

The Court made the following:

THE HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA**WRIT PETITION NO: 6775/2025****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 the action of respondent Nos.4 to 6 at the instance of 7th respondent in insisting the petitioners to vacate from petitioners’ landed property of Ac.1.16 cents out of Ac.12.99 cents covered by S.No.529 situated at Kanavaram Revenue Village of Rajanagaram Mandal in East Godavari District under the guise of Survey Notice issued by 6th respondent for the purpose of delivering such portion of land to 7th respondent as illegal, irregular, irrational, without jurisdiction and in violation of the provisions of Andhra Pradesh Survey and Boundaries Act, 1923 and offends Articles 14, 21 and 300-A of the Constitution of India and consequently direct the respondents not to interfere in any manner with petitioners’ possession and enjoyment of aforesaid landed property and pass such other order.”

2. During hearing, learned counsel for the petitioners, without touching the merits of the case, requested this Court to issue a direction to the respondents not to interfere with the petitioners’ peaceful possession and enjoyment of the subject property without following due process of law.

3. Learned Assistant Government Pleader for Revenue submits that, if the petitioners are in possession of the subject property, the

respondents would follow due process of law and requested to pass appropriate orders.

4. When the petitioners are in settled possession and enjoyment of the property, they 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 petitioners are in possession of the subject property, the respondents are directed not to interfere with the petitioners’ peaceful possession and enjoyment of the subject property, except by following due process of law.

5. With the above direction, the writ petition is disposed of at the stage of admission with the consent of both the counsel. There shall be no order as to costs.

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

VENKATESWARLU NIMMAGADDA, J

18.03.2025
TPS

¹ 2004 (1) SCC 769

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HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

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