

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



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

PRESENT

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 6775 OF 2025

Between:

1. Machana Sushma Chowdary, W/o. Harsha Vardhan Chowdary, Age 46 years, Occ: Home Maker, R/o. D.No.3/51, Pallakadayam, Raja Nagaram Mandal, East Godavari District.
2. Machana Kranthi Chowdary, W/o. P. Pari Raja, Age 43 years, Occ: Home Maker, R/o. D.No.3/51, Pallakadayam, Raja Nagaram Mandal, East Godavari District.
3. Machana Indupriya Chowdary, Age 40 years, Occ: Home Maker, R/o. D.No.3/51 Pallakadayam, Raja Nagaram Mandal, East Godavari District.
4. Machana Keerthi Chowdary, D/o. M.Rama Devi Age 38 years, Occ: Software, R/o. D. No.3/51, Pallakadayam, Raja Nagaram Mandal, East Godavari District.

...PETITIONERS

AND

1. The State of Andhra Pradesh, Rep.by its Principal Secretary to the Government, Revenue Department, Secretariat, Velagapudi, Amaravati, Guntur District.
2. The District Collector, East Godavari District at Rajamahendravaram.
3. The Revenue Divisional Officer, Rajamahendravaram Division, Rajamahendravaram, East Godavari District.
4. The Tahsildar, Rajanagarm Mandal, East Godavari District.
5. The Mandal Surveyor, Rajanagaram Mandal East Godavari District.
6. Gram Sachivalayam Surveyor, Kanavaram Village, Rajanagaram Mandal East Godavari District.

7. Kovvuri Rami Reddy, S/o. Not Known, R/o. Rajamahendravaram, East Godavari 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 more particularly one in the nature of WRIT OF MANDAMUS declaring the action of respondents 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.

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 the respondents not to interfere in any manner with petitioners' possession and enjoyment over any portion of landed property of Ac. 12.99 cents covered by S.No. 529 of Kanavaram Revenue Village of Rajanagaram Mandal in East Godavari District under the guise of survey, pending disposal of the main Writ Petition.

Counsel for the Petitioners : M/s. NIMMAGADDA REVATHI
Counsel for the Respondent Nos. 1 to 6 : GP FOR REVENUE
Counsel for the Respondent No.7 : NONE APPEARED

The Court at the stage of admission made the following: ORDER



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.

2004 (1) SCC 769

//TRUE COPY//

**Sd/- P.VINOD KUMAR
ASSISTANT REGISTRAR**

SECTION OFFICER

To,

1. The Principal Secretary to the Government, Revenue Department, State of Andhra Pradesh, Secretariat, Velagapudi, Amaravati, Guntur District.
2. The District Collector, East Godavari District at Rajamahendravaram.
3. The Revenue Divisional Officer, Rajamahendravaram Division, Rajamahendravaram, East Godavari District.
4. The Tahsildar, Rajanagarm Mandal, East Godavari District.
5. The Mandal Surveyor, Rajanagaram Mandal East Godavari District.
6. Gram Sachivalayam Surveyor, Kanavaram Village, Rajanagaram Mandal East Godavari District.
7. One CC to M/s. Nimmagadda Revathi, Advocate [OPUC]
8. Two CCs to GP for Revenue, High Court of Andhra Pradesh. [OUT]
9. Three C.D. Copies.

Cnr

HIGH COURT

DATED:18/03/2025

ORDER

WP.No.6775 of 2025



**DISPOSING OF THE W.P. AT THE STAGE OF
ADMISSION WITHOUT COSTS**