

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



WEDNESDAY, THE NINETEENTH DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE

PRESENT
THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 6520 OF 2025

Between:

Basa Apparao, S/o. Late Basa Sattulu Aged 65 years, R/o. Opp. Water Tank, Chukavanipalem, Tungalam Village Pedagantyada Mandal, Visakhapatnam District.

...Petitioner

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary Revenue Department, Secretariat, Velagapudi, Amaravati, Guntur District.
2. The Andhra Pradesh Industrial Infrastructures Corporation, Rep. by its Vice Chairman and Managing Director Mangalagiri, Guntur District.
3. The Zonal Manager, Andhra Pradesh Industrial Infrastructures Corporation, Visakhapatnam.
4. The District Collector, Visakhapatnam District.
5. The Tahsildar, Gajuwaka Mandal, Visakhapatnam District.
6. The Superintendent Engineer, Roads and Buildings Department, Visakhapatnam 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 any writ, order or direction more particularly one in the

nature of Writ of Mandamus declaring the action of the respondents in resorting to dispossess the petitioner from his residential house and shop is illegal, arbitrary and violation of Article 14, 21 and 300 A of the Constitution of India besides violation of principles of natural justice and to consequently direct the respondents not to interfere with the petitioner's house property situated in an extent of 150 sq. yds. in Sy. No. 51/2 of Tungalam Village, Gajuwaka Mandal, Visakhapatnam District and shops covered by trade license TL/06204/2018.

IA NO: 1 OF 2025

Petition under Section 151 CPC 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 dispossess petitioner from his house and shop situated in an extent of 150 sq. yds in Sy. No. 51/2 of Tungalam Village, Gajuwaka Mandal, Visakhapatnam District and shops covered by trade license TL/06204/2018 pending disposal of the writ petition.

Counsel for the Petitioner: SRI. V V SATISH

Counsel for the Respondent Nos. 1,4&5: GP FOR REVENUE

Counsel for the Respondent No. 6: GP FOR ROADS AND BUILDINGS

The Court made the following order:



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

[3329]

WEDNESDAY ,THE NINETEENTH DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 6520/2025

Between:

Basa Apparao

...PETITIONER

AND

The State Of Andhra Pradesh and Others

...RESPONDENT(S)

Counsel for the Petitioner:

1.V V SATISH

Counsel for the Respondent(S):

1.GP FOR ROADS BUILDINGS

2.GP FOR REVENUE

The Court made the following:

THE HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 6520/2025ORDER:

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 the respondents in resorting to dispossess the petitioner from his residential house and shop is illegal, arbitrary and violation of Article 14, 21 and 300-A of the Constitution of India besides violation of principles of natural justice and to consequently direct the respondents not to interfere with the petitioner's house property situated in an extent of 150 sq. yds. in Sy.No.51/2 of Tungalam Village, Gajuwaka Manda, Visakhapatnam District and shops covered by trade license TL/06204/2018 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 dispossess the petitioner from the subject property without following due process of law.

3. Learned Assistant Government Pleader for Revenue submits that, if the petitioner is in possession of the subject property, the respondents would follow due process of law and requested to pass appropriate orders.

4. Ms.Santhi Chandra, learned Standing Counsel for the APIIC furnished written instructions, wherein it is stated that the APIIC officials

has neither visited the petitioner house nor demanded to vacate the subject premises.

5. Having regard to the submissions made by the learned counsel for the petitioner and learned Assistant Government Pleader for revenue and on perusal of the written instructions furnished by the learned Standing Counsel for the APIIC, it is observed that when the petitioner is in settled possession and enjoyment of the 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 property, the respondents are directed not to interfere with the petitioner's peaceful possession and enjoyment of the subject property, except by following due process of law.

6. 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.

¹ 2004 (1) SCC 769

//TRUE COPY//

Sd/- M. SRINIVAS
ASSISTANT REGISTRAR

RS *ST*

SECTION OFFICER

To,

1. The Principal Secretary Revenue Department, State of Andhra Pradesh, Secretariat, Velagapudi, Amaravati, Guntur District.
2. The Vice Chairman and Managing Director, Andhra Pradesh Industrial Infrastructures Corporation, Mangalagiri, Guntur District.

3. The Zonal Manager, Andhra Pradesh Industrial Infrastructures Corporation, Visakhapatnam.
4. The District Collector, Visakhapatnam District.
5. The Tahsildar, Gajuwaka Mandal, Visakhapatnam District.
6. The Superintendent Engineer, Roads and Buildings Department, Visakhapatnam District.
7. One CC to Sri. V V Satish Advocate [OPUC]
8. Two CCs to GP for Revenue, High Court Of Andhra Pradesh. [OUT]
9. Two CCs to GP for Roads and Buildings, High Court Of Andhra Pradesh. [OUT]
10. Three CD Copies

GSC

HIGH COURT

DATED:19/03/2025

ORDER

WP.No.6520 of 2025



DISPOSING OF THE WP

WITHOUT COSTS