



**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: 6985/2025

Between:

Bhutu Nagooraiah

...PETITIONER

AND

The State Of Andhra Pradesh and Others

...RESPONDENT(S)

Counsel for the Petitioner:

1.KAMBHAMPATI RAMESH BABU

Counsel for the Respondent(S):

1.GP FOR REVENUE

The Court made the following:

THE HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION No.6985 OF 2025

ORDER:-

This writ petition is filed under Article 226 of the Constitution of the India seeking the following relief:-

“to issue an appropriate order or direction more particularly one in the nature of Writ of Mandamus declaring the action of Respondents in trying to dispossess the petitioner from the land in an extent of Ac.0.11 cents in Sy.No.275/2A3, Ac.0.11 cents in Sy.No.275/2A4 and Ac.0.11 cents in Sy.No.275/2A5 of Vadlapudi Village, Manubolu Mandal, SPSR Nellore District without following due process of law as illegal, arbitrary, high handed ultra vires against to the principles of natural justice and contrary to law apart from violation of Article 300-A of the Constitution of India and consequentially direct the Respondents not to dispossess the petitioner from the land in an extent of Ac.0.11 cents in Sy.No.275/2A3, Ac.0.11 cents in Sy.No.275/2A4 and Ac.0.11 cents in Sy.No.275/2A5 of Vadlapudi Village, Manubolu Mandal, SPSR Nellore District without following the due process of law in the interest of justice and pass such other order or orders...”

2. The case of the petitioner, in brief is that, the petitioner herein is the absolute owner and possessor of the lands admeasuring to an extent of Ac.0.85 cents in Sy.No.274/2A1, Ac.0.11 cents in Sy.No.275/2A3, Ac.0.11 cents in Sy.No.275/2A4 and Ac.0.11 cents in Sy.No.275/2A5 of Vadlapudi Village, Manubolu Mandal, SPSR Nellore District having acquired the said lands by way of assignment by respondent No.4 vide proceedings in ROC No.233/09. Accordingly, respondent No.4 recorded the name of the petitioner in the revenue records and also issued pattadar pass books in favour of the petitioner. Since then, the petitioner

has been in peaceful possession and enjoyment of the subject property without there being any interference or hindrance from any quarter and eking out his livelihood by doing agricultural operations. While so, on 12.03.2025, respondent No.4 along with his staff visited the subject lands of the petitioner and threatened the petitioner to vacate the subject lands. Subsequently, on 13.03.2025, the petitioner herein approached respondent No.4 and requested him not to evict the petitioner from the subject lands. Without considering the said request, without issuing any notice or without following due procedure as contemplated under the law respondent No.4 straight away directed the petitioner to evict the subject lands. Such action of the respondents in interfering with the peaceful possession and enjoyment of the subject property of the petitioner without following the due procedure as contemplated under law is highly illegal, arbitrary and contrary to law. Hence, the writ petition.

3. Heard learned counsel for the petitioner and learned Government Pleader for Revenue for the respondents.

4. 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 interfere and dispossess the petitioner from the subject property without following due process of law.

5. On the other hand, learned Government Pleader for Revenue appearing for the respondents submits that if the respondents intend to dispossess the petitioner from the subject property, the respondents will follow due process of law.

6. Having regard to the submissions made by the learned counsel for the petitioner and learned Government pleader for the respondents, it is settled proposition of law that when the petitioner is in settled possession and enjoyment of the property, the respondents are not entitled to interfere with the possession and enjoyment of the petitioner and such highhanded action of the respondents would amount to depriving the petitioner's constitutional right guaranteed under Article 300-A of the Constitution of India, besides violation of Article 14 of the Constitution of India. Even assuming for a moment that this petitioner's possession is illegal, still, the petitioner is required to be afforded an opportunity before taking appropriate action and 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 and another.**"¹, when the petitioner is in settled possession and enjoyment of the property, he cannot be dispossessed, without following due process of law. Therefore, the respondents are directed not to dispossess the petitioner from the subject property, except by following due process of law.

¹2004 (1) SCC 769

7. With the above direction, the Writ Petition is disposed of, at the admission stage, with the consent of both the learned counsel. There shall be no order as to costs. .

Consequently, Miscellaneous Petitions, if any, pending in the writ petition shall stand closed.

VENKATESWARLU NIMMAGADDA, J

19.03.2025
BSP

THE HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION No.6985 of 2025

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