

**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: 7069 OF 2025

Between:

Sangu Venkata Subba Reddy, S/o. Yerukula Reddy, aged 50 years,
R/o. China Iriapadu Village, Kanigiri Mandal, Prakasam District, Andhra
Pradesh.

...Petitioner

AND

1. The State of Andhra Pradesh, Represented by its Principal Secretary Revenue Department, Secretariat Buildings at Velagapudi, Guntur District, Andhra Pradesh.
2. The District Collector, Prakasam District at Ongole, Prakasam District, Andhra Pradesh.
3. The Revenue Divisional Officer, Kanigiri, Prakasam District, Andhra Pradesh.
4. The Tahsildar, Kanigiri Mandal, Prakasam District, Andhra Pradesh.

...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 or Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents more particularly the 4th respondent in interfering with the possession of the landed property of the petitioner in an extent of Ac. 0.90 cents in Sy. No. 14/3 of Kodigudlapadu Village of Kanigiri Mandal, Prakasam District without there being any cause as illegal, arbitrary and also oppose to Article 300-A of the Constitution of India consequentially direct the respondents particularly the 4th respondent not to interfere with the peaceful possession and enjoyment of the landed property of the petitioner

in an extent of Ac. 0.90 cents in Sy. No. 14/3 of Kodigudlapadu Village of Kanigiri Mandal, Prakasam District.

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 particularly the 4th respondent not to interfere with the peaceful possession and enjoyment of the landed property of the petitioner in an extent of Ac. 0.90 cents in Sy. No. 14/3 of Kodigudlapadu Village of Kanigiri Mandal, Prakasam District pending disposal of the above writ petition.

Counsel for the Petitioner: SMT A VARALAKSHMI

Counsel for the Respondents: GP FOR REVENUE

The Court made the following order:



**INTHEHIGHCOURTOFANDHRAPRADESH 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: 7069/2025

Between:

Sangu Venkata Subba Reddy

...PETITIONER

AND

The State Of Ap and Others

...RESPONDENT(S)

Counsel for the Petitioner:

1.A VARALAKSHMI

Counsel for the Respondent(S):

1.GP FOR REVENUE

The Court made the following:

THE HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRITPETITION No. 7069 OF 2025

ORDER:-

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

"to issue a Writ or Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents more particularly the 4th respondent in interfering with the possession of the landed property of the petitioner in an extent of Ac.0.90 cents in Sy.No.14/3 of Kodigudlapadu Village of Kanigiri Mandal, Prakasam District without there being any cause as illegal, arbitrary and also oppose to Article 300-A of the Constitution of India consequentially direct the respondents particularly the 4th respondent not to interfere with the peaceful possession and enjoyment of the landed property of the petitioner in an extent of Ac.0.90 cents in Sy.No.14/3 of Kodigudlapadu Village of Kanigiri Mandal, Prakasam District and to 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 land admeasuring to an extent of Ac.0.90 cents in Sy.No.14/3 of Kodigudlapadu Village, Kanigiri Mandal, Prakasam District having purchased the same from one Sri Venkata Lakshmi Narasimha Rao, twenty years ago. 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. Later, the revenue authorities issued pattadar pass book and title deed in his favour and also mutated his name in the revenue records.

3. While things stood thus, respondent No. 4 along with his staff are interfering with the peaceful possession and enjoyment of the subject property

of the petitioner showing a notice dated 26.05.2022 which was issued for conducting survey on 01.06.2022. Moreover under the guise of the said notice, the respondents cannot not dispossess the petitioner from the subject property and that too after lapse of more than twenty years from the date of purchase. Further, on 12.03.2025 and 13.03.2025 the respondents interfered with the possession of the petitioner without there being any notice except showing the notice dated 25.05.2022 and without following due process of law. Aggrieved by the said action, the petitioner herein filed the present writ petition.

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

5. 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 with the peaceful possession and enjoyment of the subject property of the petitioner without following due process of law.

6. On the other hand, learned Government Pleader appearing for the respondents submits that if the respondents intend to interfere with the possession and enjoyment of the subject property of the petitioner, they would follow due process of law.

7. 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 high handed 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.**"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.

8. With the above direction, the writ petition is disposed of at the admission stage, with the consent of both the counsel. No costs.

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

¹ 2004 (1) SCC 769

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REGISTRAR

SECTION OFFICER

To,

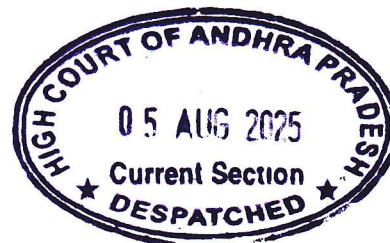
1. The Principal Secretary, Revenue Department, State of Andhra Pradesh, Secretariat Buildings at Velagapudi, Guntur District, Andhra Pradesh.
 2. The District Collector, Prakasam District at Ongole, Prakasam District, Andhra Pradesh.
 3. The Revenue Divisional Officer, Kanigiri, Prakasam District, Andhra Pradesh.
 4. The Tahsildar, Kanigiri Mandal, Prakasam District, Andhra Pradesh.
 5. One CC to Smt A.Varalakshmi, Advocate [OPUC]
 6. Two CCs to GP for Revenue, High Court of Andhra Pradesh. [OUT]
 7. Two CD Copies
- RAM

HIGH COURT

DATED:19/03/2025

ORDER

WP.No.7069 of 2025



**DISPOSING OF THE WP
WITHOUT COSTS**