

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

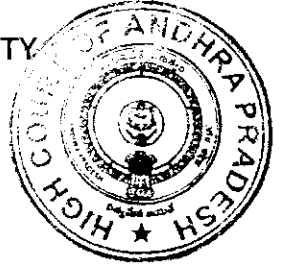
(SPECIAL ORIGINAL JURISDICTION)

WEDNESDAY, THE SIXTH DAY OF MAY, TWO THOUSAND AND TWENTY

:PRESENT:

THE HONOURABLE SRI JUSTICE NINALA JAYASURYA

WRIT PETITION No. 8354 of 2020



Between :-

1. Mudda Subba Reddy, S/o. Sri Gangi Reddy.
2. Smt Lakshmi Narasamma, W/o. Sri Mudda Subba Reddy.

..Petitioners

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary - Home, Secretariat of Andhra Pradesh, Velagapudi, Guntur District.
2. The Superintendent of Police, YSR Kadapa District.
3. The District Collector, YSR Kadapa District.
4. The Station House Officer, Pullampeta Police Station, YSR Kadapa District.
5. The Revenue Divisional Officer, Rajampet, YSR Kadapa District.
6. The Tahsildar, Pullampeta Mandal, YSR Kadapa District.
7. Mudda Sivasankar Reddy, S/o. Mudda Subba Reddy, R/o. Ananthasamudram Village, Pullampeta Mandal, YSR Kadapa District.
8. Mudda Venkata Subba Reddy, S/o. Mudda Subba Reddy, R/o. Ananthasamudram Village, Pullampeta Mandal, YSR Kadapa 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 of Mandamus, or any other appropriate writ, order or direction, declaring the action of the Respondents 2 and 4 in not registering FIR pursuant to the Petitioners Complaints dated 21.4.2020 and 24.4.2020 against the Respondents 7 and 8, as illegal and arbitrary and further direct the Respondents 2 and 4 to register the FIR and conduct investigation.

I.A No. 1 of 2020 :-

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of W.P., the High Court may be pleased to grant interim direction directing the Respondents 3, 5 & 6 herein to immediately take action against the Respondents 7 & 8 restraining them from interfering with the peaceful possession and enjoyment of the Petitioner over the agricultural land Ac.0-76 cents in Sy.No.219/2, Ac.0-84 cents in Sy.No.220, Ac.1-64 cents in Sy.No.221/1, Ac.0-46 cents in Sy.No.222 and Ac.2-27 cents in Sy.No.223, totally admeasuring Ac.5-97 cents and Ac.1-80 cents in Sy.Nos.215, Ac.1-06 cents in Sy.No.216 and Ac.2-10 cents in Sy.No.217/1, totally admeasuring Ac.4-96 cents, situated in Anantha Samudram Village, Pullampet Mandal, YSR Kadapa District, pending disposal of W.P. No. 8354 of 2020, on the file of the High Court.

I.A. No. 2 of 2020 :-

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of W.P., the High Court may be pleased to grant interim direction directing the Respondents 2 and 4 to immediately register the FIR against the Respondents 7 and 8 on the complaints dated 21.04.2020 and 24.04.2020 submitted by the Petitioner and proceed with the investigation, pending disposal of W.P.No. 8354 of 2020, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of SRI P. RAMABHOOPAL REDDY, Advocate for the Petitioners and of the G.P. FOR HOME on behalf of respondent Nos. 1, 2 and 4 and of the Govt. Pleader for Revenue on behalf of respondent Nos. 3, 5 and 6, the Court made the following

Contd...2..

ORDER :-

Heard learned counsel for the petitioners, learned Government Pleader for Home and learned Assistant Government Pleader for Revenue.

The grievance of the writ petitioners is that pending revision petition filed by them before the third respondent, the unofficial respondents are trying to interfere with their possession.

Learned Government Pleader for Home submits that the police are not interfering in any civil disputes between the parties.

Learned Assistant Government Pleader for Revenue submits though the pattadar passbooks stands in the name of the petitioners, in Fasali 1421 records the name of the Mudda Siva Sankar Reddy is recorded as pattadar and enjoyer.

However, the learned counsel for the petitioners disputed the same and states that as per the report submitted by the Tahsildar, dated 23.04.2020, in the remarks column it is mentioned that there is no digital signature of the Tahsildar and the issues are in dispute.

Having heard the learned counsel for the petitioners and the learned Government Pleader for Home for respondents 1, 2 and 4 and the learned Assistant Government Pleader for Revenue representing the respondents 3, 5 and 6, this Court is of the opinion that the matter needs to be considered after filing of the counter affidavits by the respective respondents. However, taking into consideration of the averments made and the submissions of the learned counsel for the petitioners, there shall be a direction to maintain *status quo* with regard to the land in question for a period of four (4) weeks.

List the matter after three (3) weeks.

In the meanwhile, learned counsel for the petitioners is permitted to take out personal notice to the respondents 7 and 8 by registered post with acknowledgement due and file proof of service in the Registry."

Sd/- K. JAGAN MOHAN,
DEPUTY REGISTRAR

//TRUE COPY//


SECTION OFFICER

To

- 1.The Principal Secretary, Home Department, State of Andhra Pradesh, Secretariat of Andhra Pradesh, Velagapudi, Guntur District.
- 2.The Superintendent of Police, YSR Kadapa District.
- 3.The District Collector, YSR Kadapa District.
- 4.The Station House Officer, Pullampeta Police Station, YSR Kadapa District.
- 5.The Revenue Divisional Officer, Rajampet, YSR Kadapa District.
- 6.The Tahsildar, Pullampeta Mandal, YSR Kadapa District.
- 7.Mudda Sivasankar Reddy, S/o.Mudda Subba Reddy, R/o. Ananthasamudram Village, Pullampeta Mandal, YSR Kadapa District.
- 8.Mudda Venkata Subba Reddy, S/o. Mudda Subba Reddy, R/o. Ananthasamudram Village, Pullampeta Mandal, YSR Kadapa District.
(Addressee Nos. 1 to 8 by RPAD)
- 9.Two CCs to the G.P. for Home, High Court of A.P., at Amaravati(OUT)
10. Two CCs to the G.P. for Revenue, High Court of A.P., at Amaravati(OUT)
- 11.One CC to Sri P. Ramabhoopal Reddy, Advocete(OPUC)
- 12.One spare copy.

TKK

HIGH COURT

NJS.J

DT.06-05-2020.

ORDER

W.P.No. 8354 of 2020.

STATUS QUO

16 MAY 2020