

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

FRIDAY, THE TWENTY FIRST DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE
PRESENT



THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 7410 OF 2025

Between:

Polepalli Ramesh, S/o. Late Polepalli Venkata Rathanam, Aged about
39 Years, Occ Cultivation, R/o. D. No. 39-2-116/D, N S R Colony Gate,
Vinnamala, Naidupet, Tirupati District

...PETITIONER

AND

1. Principal Secretary to Government , The State of Andhra Pradesh,
Revenue Department, Secretariat, Velagapudi, Amaravathi, Guntur
District.
2. District Collector, Tirupati District at Tirupati.
3. Revenue Divisional Officer, Sullurupet, Tirupati District.
4. Tahsildar, Ojili Mandal, Tirupati 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,

particularly the 4th respondent in insisting the petitioner to vacate from the agricultural landed property admeasuring with an extent of Ac.1.00 Cents covered by Survey No. 161/1 and Ac. 1.82 Cents Covered by Survey No. 180/7 of Manavali Village in Ojili Mandal of Tirupati District, without issuing any notice to petitioner and without following any known procedure established by law and declare the same as, illegally, arbitrary, unjust and unconstitutional, violative of principles of natural justice and offends Articles 14, 21 and 300-A of Constitution of India and consequently direct the 4th respondent not to interfere with petitioner s peaceful possession and enjoyment over the aforesaid agricultural 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 petition, the High Court may be pleased to direct the 4th respondent not to interfere with petitioners peaceful possession and enjoyment over the agricultural landed property admeasuring with an extent of Ac. 1.00 Cents covered by Survey No. 161/1 and Ac. 1.82 Cents Covered by Survey No. 180/7 of Manavali Village in Ojili Mandal of Tirupati District, in the interest of justice in pending disposal of the main Writ Petition.

Counsel for the Petitioner: SRI. MUCHAKAYALA NARAYANA

Counsel for the Respondent Nos. 1 to 4: GP FOR REVENUE

The Court made the following: ORDER

APHC010139472025



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

[3329]

FRIDAY ,THE TWENTY FIRST DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 7410/2025

Between:

Polepalli Ramesh

...PETITIONER

AND

The State Of Andhra Pradesh and Others

...RESPONDENT(S)

Counsel for the Petitioner:

1.MUCHAKAYALA NARAYANA

Counsel for the Respondent(S):

1.GP FOR REVENUE

The Court made the following ORDER:

The Writ Petition under Article 226 of the Constitution of India is filed by
the Petitioner for the following relief:

to issue a writ order or direction more particularly one in the
nature of WRIT OF MANDAMUS declaring the action of
respondents particularly the 4th respondent in insisting the
petitioner to vacate from the agricultural landed property
admeasuring with an extent of Ac.1.00 Cents covered by
Survey No.161/1 and Ac.1.82 Cents Covered by Survey

No.180/7 of Manavali Village in Ojili Mandal of Tirupati District without issuing any notice to petitioner and without following any known procedure established by law and declare the same as illegally, arbitrary unjust and unconstitutional violative of principles of natural justice and offends Articles 14, 21 and 300A of Constitution of India and consequently direct the 4th respondent not to interfere with petitioner's peaceful possession and enjoyment over the aforesaid agricultural landed property and pass such order or orders.."

1. The petitioner is the absolute owner and possessor of agricultural land measuring Ac. 1.00 cents in Sy. No. 161/1 and Ac. 1.82 cents in Sy. No. 180/7 of Manavali Village, Ojili Mandal, Tirupati District. The petitioner had submitted an application before the 4th respondent for the assignment of land, and after considering the landless status of his father, the respondent authorities granted a D-Form Patta in favor of the petitioner's father in the year 1986. Since then, the petitioner and his father have been in continuous possession and enjoyment of the subject patta land. The petitioner's father was issued with pattadar passbook and title deed, and his name was duly mutated in the revenue records as pattadar in Adangal, Pahani, and Form 1-B Namuna with respect to the said agricultural land. After the demise of the petitioner's father, the petitioner became the owner and possessor, as his legal heir and successor to his estate and has been carrying out agricultural operations on the subject property and by eking out his livelihood. However, the 4th respondent is interfering with the petitioner's peaceful possession and enjoyment of the land and trying to dispossess the petitioner from the subject

property. In response, the petitioner submitted a representation to the 3rd respondent on 03.03.2025 through PGRS (Public Grievance Redressal System), which was received, and a resolution period of 75 days was given, i.e., before 17.05.2025. However, during the pendency of the petitioner's representation, the 4th respondent is trying to interfere with his peaceful possession and enjoyment of the subject property without following the due process of law. Hence the writ petition.

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 land, without following due process of law.

3. Learned Assistant Government Pleader for Respondents, admitted that if the petitioner is in continuing the possession of subject land and the respondents authorities would follow due process of law and requested to pass appropriate orders.

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

5. 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 violating 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 of the petitioner, except by due process of law.

6. With the above direction, the writ petition is disposed of, with the consent of both the counsel. No costs.

Consequently, interlocutory applications pending, if any, shall also stand closed.

//TRUE COPY//

Sd/- A. VENU GOPAL RAO
ASSISTANT REGISTRAR


SECTION OFFICER

To,

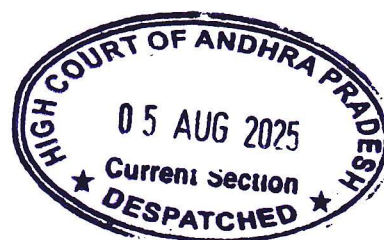
1. Principal Secretary to Government, The State of Andhra Pradesh, Rep. by its Revenue Department, Secretariat, Velagapudi, Amaravathi, Guntur District.
2. District Collector, Tirupati District at Tirupati.
3. Revenue Divisional Officer, Sullurupet, Tirupati District.
4. Tahsildar, Ojili Mandal, Tirupati District.

5. One CC to SRI. MUCHAKAYALA NARAYANA Advocate [OPUC]
6. Two CCs to GP FOR REVENUE ,High Court Of Andhra Pradesh.
[OUT]
7. Three CD Copies

PKS

**HIGH COURT
DATED:21/03/2025**

**ORDER
WP.No.7410 of 2025**



**W.P. IS DISPOSED OF
WITHOUT COSTS**