



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

[3458]

MONDAY ,THE TWENTIETH DAY OF JANUARY
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SMT JUSTICE KIRANMAYEE MANDAVA

WRIT PETITION NO: 603/2020

Between:

Nalluri Anjaneyulu,

...PETITIONER

AND

State Of Andhra Pradesh and Others

...RESPONDENT(S)

Counsel for the Petitioner:

1.SITA RAM CHAPARLA

Counsel for the Respondent(S):

1.GP FOR REVENUE (AP)

2.M SUDHIR

3.m sudhe

The Court made the following:

ORDER:

Challenging the proceedings, dated 24.12.2019, the present writ petition is filed.

2. It is contended that the petitioner has been in occupation of the subject property through his ancestors. It is contended that around 90 years back, the petitioner's grandfather constructed the house in the

subject land and their family was in occupation of the same. After the death of the petitioner's grandfather, the subject property fell to the share of the petitioner. By removing the old structure, the petitioner has constructed the present building which is in an extent of Ac.0.1 ½ cents and thereafter he has also purchased the share of his brother in 2008 and since then, the petitioner is in exclusive possession of the entire land in an extent of Ac.0.11 cents. In the year 2019, when the respondents have tried to interfere with the possession of the subject property, the petitioner has approached this Court by way of the writ petition in W.P.No.16444 of 2019. This Court *vide* order, dated 22.10.2019 disposed of the writ petition directing the respondents not to dispossess the petitioner in respect of the subject house site property, in respect of the remaining extent this Court directed the 4th respondent therein to conduct enquiry as to the possession of the subject land and take an appropriate action in accordance with law by giving due opportunity to the petitioner. In pursuance thereto, the impugned order is passed.

3. As noted from the order impugned, the finding of the 4th respondent is that the subject land is a 'Grama Kantam' land, therefore while directing the Mandal Parishad Development Officer, the special officer of the Grama Panchayat observed that the petitioner has no right in respect of the subject land and directed the said authorities to take

appropriate action for construction of the Village Secretariat in the subject land. Assailing the said proceedings the present writ petition is filed.

4. This Court *vide* order, dated 08.01.2019 has granted interim orders directing the parties to maintain 'Status-Quo' as of the date.

5. The 4th respondent has filed counter stating that as per the directions of this Court he has issued notice to the petitioner and after following the due procedure of law, impugned proceedings were issued directing the Mandal Parishad Development Officer and the special officer of the Grama Panchayat to take possession of the land for construction of the Village Secretariat. In pursuance of the impugned proceedings, the 5th respondent has issued notice, dated 06.01.2020 to the petitioner directing to remove the articles that belonged him, if any, in the subject land of Ac.0.09 cents. He contends that the petitioner has no right in respect of the subject land, since he did not produce any documents in support of his claim.

6. During the course of arguments, the learned Assistant Government Pleader for Revenue has placed before the Court a copy of the instructions, dated 30.12.2024 received by him from the Tahsildar in the case. A perusal of the same would reflect that the Grama Panchayat has identified an alternate land in Sy.No.255 in an extent of Ac.0.27 cents and constructed the Grama Sachivalayam and Raithu Bharosa Kendram, over the said land.

7. Considered the rival submissions. The earlier direction of this Court was to conduct enquiry in respect of the subject land pertaining to the petitioner. It is stated that though the Tahsildar has conducted enquiry in terms of the said direction, however the writ petitioner did not participate in the said enquiry on account of his hospitalization. The petitioner's wife has participated in the enquiry. The Tashsildar after enquiry has come to a conclusion that the subject land is a Grama Kantam land. It is the Grama Panchayat which has to take appropriate action, if any land belonging to the Gram Panchayat is in unauthorized occupation. However, the Tahsildar has given a finding that the petitioner has no right in respect of the subject land and directed the Mandal Parishad Development Officer and the special officer of the Grama Panchayat to take possession of the subject land. Even after, obtaining the legal opinion in the case that in terms of G.O.Ms.No.187 Revenue (Assgn.I) Department, dated 27.05.2015 that all the lands belonging to the Grama Panchayat would vest with the Grama Panchayat, still the Tahsildar went ahead in passing the order that the petitioner has no right over the subject land, instead of remanding the matter to the Grama Panchayat.

8. In that view of the matter, this Court is of the considered view that the order passed by the Tahsildar is beyond his jurisdiction and the same is hereby set aside and the order appears to have been passed in pre-meditated manner to acquire the same for construction of the buildings

of Grama Panchayat. The respondents are therefore directed not to dispossess the petitioner from the subject land without recourse to law.

9. With the above observation, the Writ Petition is disposed of. There shall be no order as to costs.

As a sequel, all pending miscellaneous applications shall stand closed.

JUSTICE KIRANMAYEE MANDAVA

Date: 20.01.2025
MSI

THE HONOURABLE SMT JUSTICE KIRANMAYEE MANDAVA

WRIT PETITION NO: 603/2020

Date: 20.01.2025
MSI