

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

MONDAY, THE TWENTY THIRD DAY OF MARCH,

TWO THOUSAND AND TWENTY SIX

:PRESENT:

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

IA No. 1 OF 2026

IN

WP NO: 7788 OF 2026



Between:

Vemireddy Kota Reddy, S/o. Siva Kota Reddy, Aged about 74 years, R/o. Plot No.540, 4th Cross Street, Kings Court Avenue, Magunta Layout, Nellore City.

...Petitioner

AND

1. State of Andhra Pradesh, Rep. by its Principal Secretary, Irrigation Department, Secretariat Buildings, Secretariat, Velagapudi, Guntur District, Andhra Pradesh - 522 238.
2. The District Collector, SPSR Nellore District, Nellore.
3. Superintending Engineer, Water resources Department, Nellore, SPSR Nellore District.
4. The Tahsildar, Nellore Urban Mandal, Nellore, SPSR Nellore District.
5. The Nellore Municipal Corporation, Nellore, SPSR Nellore District, Rep. by its Commissioner - 524 001.
6. Darla Sujatha, W/o. Venkateswarlu, Aged about 54 years, R/o. D.No.16-3-486, Muthyalapalem, Ramalingapuram, Nellore City - 524003.
7. Darla Sudhakar, S/o. Chinna Venkaiah, Aged about 46 years, R/o. D.No.16-3-380, Muthyalapalem, Ramalingapuram, Nellore City - 524003

...Respondents

Counsel for the Petitioner :C SUBODH

Counsel for the Respondent Nos. 1 and 3 :GP FOR IRRI AND CAD

Counsel for the Respondent Nos. 2 and 4 :GP FOR REVENUE

Counsel for the Respondent No.5 : Sri ASC Bose

Counsel for the Respondent Nos. 6 and 7 : Ms. Y.Siva Kalpana Reddy

Petition under Section 151 of 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 respondent authorities not to permit the 6th respondent to make constructions in the land in Sy.Nos.259/3B1, 259/3B2 of Nellore Bit-I, SPSR Nellore District, which is classified as Canal, pending disposal of WP No. 7788 of 2026, on the file of the High Court.

The court while directing issue of notice to the Respondents herein to show cause as to why this application should not be complied with, made the following order.(The receipt of this order will be deemed to be the receipt of notice in the case).

ORDER:

“Impugning the conveyance deed vide document No.4330/2009 dated 01.06.2009 with respect to land in Sy.No.259/3A and further complaining that the authorities are not taking steps to remove the encroachments in Sy.Nos.259/1, 259/3B2 and 259-3B1 situated at Nellore Bit-I, which is canal poramboke land, the subject writ has been filed.

Now, the present application is filed to direct the respondent authorities not to permit the 6th respondent to make constructions in the land in Sy.Nos.259/3B1, 259/3B3 of Nellore Bit-I, SPSR Nellore District, which is classified as Canal, pending disposal of the writ petition.

Heard Sri C.Subodh, learned counsel for the petitioner, Sri Satish Kumar, learned Assistant Government Pleader for Irrigation, Sri Venkata Satyanarayana, learned Assistant Government Pleader for Revenue, Sri ASC Bose, learned Standing Counsel for Municipal Corporation and

Ms.Y.L.Siva Kalpana Reddy, learned counsel for respondent Nos.6 and 7.

Learned counsel for the petitioner submitted that by virtue of G.O.Ms.No.166, dated 16.02.2008 and G.O.Ms.No.1601, dated 28.08.2005, it is the Collector who has to regularize the land and execute conveyance deed, but the Deputy Tahsildar, who is incompetent, has executed the conveyance deed by taking into consideration the said G.Os. In fact, the said land is classified as canal poramboke, and they have no right, even otherwise, to regularize such canal poramboke land. Now, the respondents are constructing commercial complex in the said land. If such constructions are permitted, it affects the rights of the petitioner, being neighbour. Further, the respondents may claim equities at a later point of time. As such, prayed to pass appropriate orders pending writ petition.

Ms.Y.L.Siva Kalpana Reddy, learned counsel, submitted that the said conveyance deed has been executed in the year 2009, and subsequently much water has flown, wherein the 7th respondent sold the property to the 6th respondent and the petitioner, being a neighbour to the subject property, in a blackmailing tactic, filed the present writ petition only to cause inconvenience and harass the officials without there being any valid legal ground. If at all the petitioner has any grievance, he should have questioned the said conveyance deed then and there itself, but not after a lapse of 17 long years. The writ petition is to be dismissed at the admission on the ground of laches. She further contended that the subject land is not classified as canal poramboke. As such, prayed to dismiss the writ petition at the admission stage itself.

Learned Assistant Government Pleader for Revenue submitted that he has instructions that the land is classified as canal poramboke, but however sought time to file counter.

Learned counsel for the petitioner insisted for interim orders.

Perused the record and considered the submissions made by learned counsel for the parties.

The conveyance deed is of the year 2009 and as rightly contended by the learned counsel for unofficial respondents, the writ petition has been filed after 17 long years. The reasons explained in the affidavit are not prima facie satisfactory to this Court to consider interim orders at this length of time that too without counter. Without receiving any counter, considering the petitioner's prayer and granting interim orders would affect the rights of the unofficial respondents, particularly at this length of 17 years.

In the said view of the fact, this is not a fit case to grant any interim order at this stage.

Accordingly interlocutory application is dismissed."

//TRUE COPY//

SD/- K.J.RAJA BABU
ASSISTANT REGISTRAR
SECTION OFFICER

To,

1. The Principal Secretary Irrigation Department, State of Andhra Pradesh, Secretariat buildings, Secretariat, Velagapudi, Guntur District, Andhra Pradesh - 522 238.
2. The District Collector, SPSR Nellore District, Nellore.
3. Superintending Engineer, Water resources Department, Nellore, SPSR Nellore District.
4. The Tahsildar, Nellore Urban Mandal, Nellore, SPSR Nellore District.

5. The Commissioner, Nellore Municipal Corporation, Nellore, SPSR Nellore District - 524 001.-
6. Darla Sujatha, W/o. Venkateswarlu, Aged about 54 years, R/o. D.No.16-3-486, Muthyalapalem, Ramalingapuram, Nellore City – 524003.
7. Darla Sudhakar, S/o. Chinna Venkaiah, Aged about 46 years, R/o. D.No.16-3-380, Muthyalapalem, Ramalingapuram, Nellore City – 524003.(Addressee Nos. 1 to 7 by RPAD) ✓
8. One CC to Sri C.Subodh, Advocate [OPUC] ✓
9. One CC to Sri A.S.C.Bose, Advocate [OPUC] ✓
10. One CC to Ms. Y.Siva Kalpana Reddy, Advocate [OPUC] ✓
11. Two CCs to GP FOR IRRI AND CAD, High Court of Andhra Pradesh. ✓
[OUT]
12. Two CCs to GP FOR REVENUE, High Court of Andhra Pradesh. [OUT] ✓
13. One spare copy.

PSD

HIGH COURT

RC,J

DATE:23/03/2026

ORDER

I.A.NO.1 OF 2026

IN

WP.No.7788 of 2026

I.A. IS DISMISSED

