

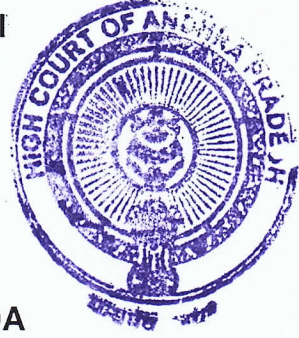
**IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)**

**MONDAY, THE SEVENTH DAY OF APRIL,
TWO THOUSAND AND TWENTY FIVE**

:PRESENT:

HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 9160 OF 2025



Between:

Vijanigiri Balakrishna, s/o Late Kameswararao, Aged about 35 years, Occ-
S.I of Police, D.No.44-1-11/12, Lakshmi Narayanapuram, Dondaparathi,
Seethammadhara Mandal, Visakhapatnam.

...Petitioner

AND

1. The State of Andhra Pradesh, Rep by its Principal Secretary,
Revenue Department Secretariat Buildings, Velagapudi, Amaravati,
Guntur District.
2. The District Collector, Visakhapatnam District.
3. The Tahasildar, Seethammadhara Mandal. Visakhapatnam,
Visakhapatnam District.

...Respondents

Petition under Article 226 of the Constitution of India is filed 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, particularly Respondent No.3 (Tahsildar, Seethammadhara Mandal), in issuing Notice No. 342/2025/IASst dated 01.04.2025 and marking the petitioner's building bearing D.No. 44-1- 11/12 of Lakshmi Narayanapuram, in Survey No. 3/2A2 of Dondaparathi Village (which is alleged by Respondent No.3 as Sy.No.4), Seethammadhara Mandal, Visakhapatnam,

for demolition as illegal, arbitrary, unconstitutional, and in violation of Articles 14, 21, and 300A of the Constitution of India and consequently direct the respondents to permanently restrain from taking any coercive action, including eviction or demolition, based on the impugned notice issued by Respondent No. 3 on 01/04/2025;

IA NO: 1 OF 2025:

Petition under Section 151 CPC is filed praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct the respondents to refrain from taking any coercive action, including eviction or demolition, against the petitioner's property building bearing D.No.44-1-11/12 of Lakshmi Narayanapuram, in Survey No.3/2A2 of Dondaparthi Village (which is alleged by Respondent No.3 as Sy.No.4), Seethammadhara Mandal, Visakhapatnam, pursuant to the impugned notice issued by Respondent No.3 on 01/04/2025, pending disposal of WP.No.9160 of 2025, 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 Sreemannarayana Vattikuti, Advocate for the Petitioner and GP for Revenue for the Respondents, the Court made the following;

ORDER:

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

The case of the petitioner is that, the petitioner is the absolute owner and possessor of land admeasuring to an extent of 850 square yards in Survey No. 3/2A2 of Thatichetlapalem, Dondaparthi Village. When the respondents herein are interfering with the petitioner's peaceful possession and enjoyment of the said land, the petitioner

preferred a suit, O.S. No. 1658 of 2005, before the Court of the II Additional Junior Civil Judge, Visakhapatnam. Wherein the court below, after hearing the matter, was pleased to pass a judgment and decree dated 21.10.2009 in favour of the petitioner, granting a permanent injunction restraining the respondents from interfering with the petitioner's peaceful possession of the land admeasuring to an extent of 850 square yards in Survey No.3/2A2 of Dondaparathi Village.

On the other hand, the learned Assistant Government Pleader for Revenue, appearing for the respondents, submits that the impugned notice issued by the 3rd respondent, i.e., the Tahsildar, dated 01.04.2025, was issued under the provisions of Section 6 of the Andhra Pradesh Land Encroachment Act, 1905, in respect of the land in Survey No. 4, and not in relation to the extent of 850 square yards in Survey No. 3/2A2. He further submits that the respondent authorities are not taking any steps for the removal of structures situated within the subject property of the petitioner, admeasuring to an extent of 850 square yards in Survey No. 3/2A2 of Dondaparathi Village. The respondents are only concerned with protecting the Government land situated in Survey No.4 of Thatichetlapalem, Dondaparathi Village. He also submits that to resolve the dispute, the survey and demarcation should be conducted in the presence of an Advocate Commissioner to be appointed by this court.

The learned counsel for the petitioner further submits that, in the absence of specific demarcation, the respondents cannot be permitted to interfere with the peaceful possession and enjoyment of the subject land, since the petitioner was declared as the absolute owner and possessor of the said property by way of the decree and judgment passed by the Court below in O.S. No. 1658 of 2005, dated

21.10.2009. he also express his readiness for appointment of an Advocate Commissioner and to bear expenses as well as transport and accommodation charges as may be granted by this court.

Having heard the respective counsel, this court is of the considered opinion that it is appropriate and necessary to appoint an Advocate Commissioner to note down the physical features of the subject land and its exact survey number after hearing survey and demarcation for proper adjudication of the case in hand in the interest of justice. Further, the Mandal surveyor concerned is directed to conduct a survey and demarcation of the petitioner's subject property admeasuring to an extent of 850 square yards in Survey No. 3/2A2 of Dondaparthi Village in the presence of the petitioner, respondents and the Advocate Commissioner to be appointed by this court.

The learned counsel for the petitioner and the learned Assistant Government Pleader for Revenue appearing for the respondents agreed for co-operation by their sellers and their parties concerned with the Advocate Commissioner.

Accordingly, an Advocate Commissioner is hereby appointed with the following directions:-

- (i) Sri K.N. Krishna Kumar (High Court Advocate), Flat No.TF 2 Vijayalakshmi Enclave, Tadepalli near Lootharan Church, Guntur District, 522501, Cell No.9581533931, is appointed as an Advocate Commissioner to oversee the demarcation and survey of the petitioner's land.
- (ii) The learned Advocate Commissioner shall execute the warrant after giving prior notices to all the parties

concerned, if any, and shall return the warrant along with a detailed report.

- (iii) The learned Advocate Commissioner is further directed to be present at the time of survey to be conducted by the surveyor and required staff, along with the petitioner and the respondents.
- (iv) Respondents 2 to 4, as well as the petitioner, are directed to provide the assistance of a surveyor to the Advocate Commissioner for the purpose of conducting the survey and demarcation of the subject property.
- (v) The Advocate Commissioner shall also provide an opportunity of hearing to all the concerned parties and complete the entire process within a period of six (6) weeks. Thereafter, the Advocate Commissioner shall submit a detailed report with respect to the subject property within a period of two (2) weeks.
- (vi) The learned Advocate Commissioner's fee is fixed at Rs. 35,000/- (Rupees ThirtyFive Thousand only), to be paid by the petitioner. In addition, the petitioner shall arrange and bear the transport expenses for a four-wheeler for the Advocate Commissioner. The respondent Nos.2 and 3 shall provide decent accommodation if necessary and provide all men required for execution of the warrant of this Court.
- (vii) The petitioner shall bear all other incidental expenses to be incurred by the learned Advocate Commissioner.
- (viii) Registry is directed to serve copy of this order to the learned Advocate Commissioner as expeditiously as possible.

In the meantime, both parties are directed to maintain status quo obtaining as on today in respect of the subject property.

Post the matter after eight (08) weeks."

//TRUE COPY//

For

SD/- K.SRINIVASA RAJU
ASSISTANT REGISTRAR
SECTION OFFICER.

To,

1. The Principal Secretary, State of Andhra Pradesh, Revenue Department Secretariat Buildings, Velagapudi, Amaravati, Guntur District. (by **Special Messenger**)
2. The District Collector, Visakhapatnam District.
3. The Tahasildar, Seethammadhara Mandal. Visakhapatnam, Visakhapatnam District. (Addressee Nos.2 & 3 by **RPAD**)
4. One CC to Sri. Sreemannarayana Vattikuti, Advocate [OPUC]
5. Two CCs to GP for Revenue, High Court of Andhra Pradesh. [OUT]
6. One CC to Sri K.N.Krishna Kumar, Advocate Cell: 9581533931
7. One spare copy

MM

HIGH COURT

NV,J

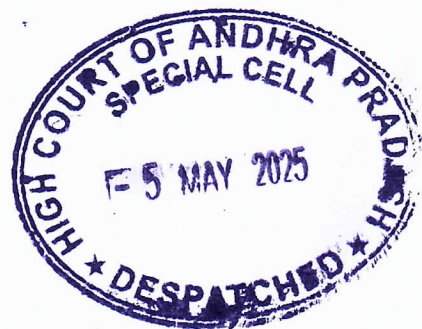
DATED:07/04/2025

POST THE MATTER AFTER EIGHT (08) WEEKS

ORDER

WP.No.9160 of 2025

STATUS QUO



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3. The Tahasildar, Seethammadhara Mandal. Visakhapatnam,
Visakhapatnam District.

...Respondents

WHEREAS petition under Article 226 of the Constitution of India is
filed 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,
particularly Respondent No.3 (Tahsildar, Seethammadhara Mandal), in

issuing Notice No. 342/2025/IASst dated 01.04.2025 and marking the petitioner's building bearing D.No. 44-1- 11/12 of Lakshmi Narayanapuram, in Survey No. 3/2A2 of Dondaparthi Village (which is alleged by Respondent No.3 as Sy.No.4), Seethammadhara Mandal, Visakhapatnam, for demolition as illegal, arbitrary, unconstitutional, and in violation of Articles 14, 21, and 300A of the Constitution of India and consequently direct the respondents to permanently restrain from taking any coercive action, including eviction or demolition, based on the impugned notice issued by Respondent No. 3 on 01/04/2025;

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AND whereas the Court upon perusing the petitioner and affidavit filed in support thereof and upon hearing the arguments of Sri Sreemannarayana Vattikuti, Advocate for the Petitioner and GP for Revenue for the Respondents, ~~Sri~~ **Sri K.N. Krishna Kumar, Cell No.9581533931**, learned Counsel as Advocate Commissioner to oversee the demarcation and survey of the petitioner's land;

Therefore you viz;

Sri K.N. Krishna Kumar (High Court Advocate), Flat No.TF 2 Vijayalakshmi
Enclave, Tadepalli near Lootharan Church, Guntur District, 522501, Cell
No.9581533931

are hereby appointed as Advocate Commissioner to oversee the demarcation and survey of the petitioner's land and with the following issues:

- (i) You shall execute the warrant after giving prior notices to all the parties concerned, if any, and shall return the warrant along with a detailed report.
- (ii) You are further directed to be present at the time of survey to be conducted by the surveyor and required staff, along with the petitioner and the respondents.
- (iii) You are informed that Respondents 2 to 4, as well as the petitioner, are directed to provide the assistance of a surveyor to you for the purpose of conducting the survey and demarcation of the subject property.
- (iv) You shall also provide an opportunity of hearing to all the concerned parties and complete the entire process within a period of six (6) weeks. Thereafter, you shall submit a detailed report with respect to the subject property within a period of two (2) weeks.
- (v) Your fee for this purpose is fixed at Rs. 35,000/- (Rupees Thirty Five Thousand only), to be paid by the petitioner. In addition, the petitioner shall arrange and bear the transport expenses for a four-wheeler. The respondent Nos.2 and 3 shall provide decent

accommodation if necessary and provide all men required for execution of the warrant of this Court.

- (vi) The petitioner shall bear all other incidental expenses to be incurred by you.

Sd/- K.Srinivasa Raju
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. Sri K.N. Krishna Kumar (High Court Advocate), Flat No.TF 2
Vijayalakshmi Enclave, Tadepalli near Lootharan Church, Guntur
District, 522501, Cell No.9581533931 (By **SPECIAL MESSENGER**-
along with copy of petition & affidavit and all material papers)
2. One spare copy

MM

HIGH COURT

NV,J

DATED:07/04/2025

POST THE MATTER AFTER EIGHT (08) WEEKS

ORDER

WP.No.9160 of 2025

ADVOCATE COMMISSIONER

