

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

TUESDAY, THE TWENTY SIXTH DAY OF APRIL
TWO THOUSAND AND TWENTY TWO

:PRESENT:

THE HONOURABLE SRI JUSTICE D.V.S.S.SOMAYAJULU
WRIT PETITION NO: 10789 OF 2022



Between:

Kundeti Baburao, S/o Venkatadri, age 65 Years, Hindu, Cultivation, R/o Peyyeru village, Mudinepalli Mandal, KaikaluruJCJC, Eluru District.

.. Petitioner

AND

1. The State of A.P., Rep by its Secretary, Department of Revenue, Govt of Andhra Pradesh, Velagapudi, Guntur Dist.
2. The Revenue Divisional Officer, Eluru Division, Eluru, Eluru District
3. The Tahsildar, Mudinepalli Mandal, Mudinepalli, Eluru Dist.

... 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 action of the 3rd respondent, in interference of peaceful possession enjoyment of Petitioner's House and site to an extent of Ac. 0.03 cts in R.S.No. 210-2 in Peyyeru Village, Mudinepalli Mandal, Eluru Dist while the Statutory Appeal and Stay petition dated 08.04.2022 against the RCB.398/2020 dated 22.3.2022 of the 3rd respondent is pending before the 2nd respondent are illegal, arbitray, contrary to law and violation of Article 300 (A) of Constitution of India and further direct the 3rd respondent not to interfere with peaceful possession and enjoyment of the petitioner's House and site to an extent of Ac.0.03 cts in R.S.NO. 210-2 in Peyyeru Village, Mudinepalli Mandal until finalization of the Statutory appeal and Stay petition before the 2nd respondent.

IA NO: 1 OF 2022

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 stay of all further proceedings RC B.398/2020 dated 22.3.2022 of the 3rd respondent until finalization of Statutory Appeal dated 08.04.2022 of the petitioner before the 2nd respondent, Pending disposal of WP 10789 of 2022, 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 T V V KOTESWARA RAO Advocate for the Petitioner(s), GP FOR REVENUE for the Respondent Nos.1 to 3, the Court made the following.

ORDER:

"After considering the submissions made, this court is of the opinion that as a stay application has already been filed in the appeal and the same is pending, 2nd respondent should be directed to consider the same on its own merits and dispose it of in the shortest possible period of time.

Till the said application is disposed of, there shall be a direction to the 3rd respondent not to interfere with the petitioner's possession of the property.

List on 13.06.2022."

**Sd/-V.SATYANARYANA
ASSISTANT REGISTRAR**

//TRUE COPY//

For ASSISTANT REGISTRAR

To,

1. The Secretary, Department of Revenue , Govt of Andhra Pradesh, Velagapudi, Guntur Dist.
2. The Revenue Divisional Officer,, Eluru Division, Eluru, Eluru District
3. The Tahsildar, Mudinepalli Mandal, Mudinepalli, Eluru Dist. (1 TO 3 by RPAD)
4. One CC to SRI. T V V KOTESWARA RAO Advocate [OPUC]
5. Two CCs to GP FOR REVENUE ,High Court Of Andhra Pradesh. [OUT]
6. **One spare copy**

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HIGH COURT

DVSSJ

LIST ON 13.06.2022

DATED:26/04/2022

ORDER

WP.No.10789 of 2022

DIRECTION

