



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

[3333]

MONDAY, THE TENTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SMT JUSTICE V.SUJATHA

WRIT PETITION NO: 9481/2023

Between:

J Vijaya Kumari

...PETITIONER

AND

The State of Andhra Pradesh and others

...RESPONDENT(S)

Counsel for the Petitioner:

1.A RAVI SHANKAR

Counsel for the Respondent(S):

1.GP FOR IRRIGATION COMM AREA DEV

The Court made the following:

THE HONOURABLE SMT JUSTICE V.SUJATHA**Writ Petition No: 9481 of 2023****ORDER:**

This writ petition is filed under Article 226 of the Constitution of India seeking the following relief:

“...issue an appropriate Writ order or direction more particularly in the nature of Writ of Mandamus declaring the action of the 2nd respondent proposing to demolishes my compound wall with mesh facing the main road as illegal arbitrary and consequently set aside the same as otherwise I suffer irreparable loss and injury and pass...”

2. The petitioner has purchased an extent of Acs. 0.72 cents of agricultural land in Survey No.134/4 of Vomaravalli Village of Gara Mandal, Srikakulam District, under a registered Sale Deed, dated 10.07.2001. Thereafter, the petitioner obtained necessary permissions and license from the Labour Department on 01.04.2002, and erected a poultry farm, dairy farm, and constructed a RCC house for residential purpose in the said land.

3. The case of the petitioner is that next to the petitioner's house there is an agricultural land admeasuring Acs.0.90 cents belonging to the 3rd respondent. As there are disputes between the petitioner and the 3rd respondent, the 3rd respondent has filed a complaint before the Hon'ble Lokayukta of Andhra Pradesh at Kurnool, complaining that the petitioner has constructed a compound wall in a part of Bhyridesigadda, (Sub-Channel). The complaint was numbered as Complaint No.2586/2017/B1. It is alleged in the complaint that the works of removal of bushes and stilt in the main and sub-

channels of Bhyridesigadda in Vomaravalli Village by the Vamsadhara Engineering officials were stalled at the poultry farm of the petitioner, on the ground that the petitioner has encroached into the canal land and constructed a compound wall.

3. The District Collector has submitted a report, dated 18.11.2021, before the Lokayukta stating that the petitioner's compound wall is in existence on Survey No.134/4 and there is no encroachment into the Bhyridesigadda sub-channel as alleged by the 3rd respondent. The 2nd respondent - Superintendent Engineer, Water Resources Department, BRR Vamsadhara Project, also submitted a report, dated 15.12.2021, stating that the encroachment is into road Poramboke land and does not come under the purview of Irrigation Department. As the 2nd respondent was trying to demolish the petitioner's compound wall, the petitioner was constrained to file the present Writ Petition.

4. When the petition came up for admission on 18.04.2023, this Court passed the following interim order:

“... In the meanwhile, no coercive steps shall be taken
against the petitioner by the respondents.”

5. Heard learned counsel for the petitioner as well as learned Assistant Government Pleader for Irrigation and CAD.

6. Learned Assistant Government Pleader for Irrigation and CAD has stated that pursuant to the interim orders granted by this Court, the

respondents have not taken any coercive steps to demolish the petitioner's compound wall.

7. In view of the same, instead of keeping this matter pending, this Court feels it appropriate to dispose of the writ petition with a direction to the respondents not to interfere with the possession of the petitioner, over the subject land, without following due process of law.

8. Accordingly, the Writ Petition is disposed of. No order as to costs. Pending miscellaneous applications, if any, in this petition, shall stand closed.

JUSTICE V.SUJATHA

Date : 10.11.2025.

SSN