

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

WEDNESDAY, THE TWENTY SIXTH DAY OF APRIL
TWO THOUSAND AND TWENTY THREE

:PRESENT:

~~THE~~ HONOURABLE SRI JUSTICE D RAMESH
WRIT PETITION NO: 10013 OF 2023

[3208]



Between:

Tupili China Kasturaiah, S/o. Tupili Naraiah, Rio 43-132-2A, K.L. Rao Road,
Ajithsinghnagar, Vijayawada.

Petitioner

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary, Women and Child Development Department, Secretariat Building, Velagapudi, Amaravati Guntur District
2. The District Collector, Tirupathi District.
3. The Project Director, Integrated Child Development Service (ICDS), Kota, Tirupathi District.
4. The Mandal Development officer, Mandal Prajaparishad, Chittamur, Tirupathi District.
5. The Village Revenue Officer, Secretariat, Gunapatipalem, Chittamur Mandal, Tirupathi 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, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondents more particularly 2nd and 3rd respondents in not taking steps to handover the temporary building constructed by the anganwady officers on the petitioner's land by obtaining petitioners oral consent despite the representation filed by the petitioner Dt.11.03.2023 as illegal, arbitrary, unconstitutional and violative of article 14, 21 and 300-A of Constitution of India and consequently direct the respondents to remove the dilapidated construction on the petitioner's and situated at Gunapatipalem Village in Sy.No.368-1B.

IA NO: 1 OF 2023:

Petition under Section 151 of CPC is filed praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the respondents to consider the representation Dt- 11.03.2023 made by the petitioner, Pending disposal of WP 10013 of 2023, 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 KOTHA VEERA NAGA PALLAVI Advocate for the Petitioner and of GP FOR WOMEN & CHILD WELFARE for the Respondent Nos.1 & 2 and of GP FOR REVENUE for the Respondent Nos.2 & 5 and of SRI VENKATA REDDY.G, Standing Counsel for Z.P.P & M.P.P for the Respondent No.4, the Court made the following

ORDER:

“This Writ Petition is filed to declare the action of the respondents more particularly respondent Nos.2 and 3 in not taking steps to handover the temporary building constructed by the anganwady officers on the petitioner’s land by obtaining petitioner’s oral consent despite the representation filed by the petitioner dated 11.03.2023 as illegal and arbitrary.


Learned counsel for the petitioner has submitted that the subject property is a private property of petitioner and now the respondents are forcibly taking away the subject property on the ground if mother of the petitioner has donated Ac.0.01 cent of land for construction of the said building on her own will. Accordingly, the learned Government Pleader has placed the written instructions obtained from the Child Development Project Officer.

Learned counsel for the petitioner has submitted that the subject property is in the name of the father of the petitioner and the mother of the petitioner is no way concerned. Despite that on the written submissions, the authority has not submitted whether Will is by way of registered deed or not.

In view of the same, there shall be a direction to the respondents not to interfere and not to dispossess the petitioner from the subject property.

For filing counter, post after four(4) weeks.”

//TRUE COPY//

Sd/- K. KASIRAO ACHARI
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. The Principal Secretary, Women and Child Development Department, State of Andhra Pradesh, Secretariat Building, Velagapudi, Amaravati Guntur District
2. The District Collector, Tirupathi District.

3. The Project Director, Integrated Child Development Service (ICDS), Kota, Tirupathi District.
4. The Mandal Development officer, Mandal Prajaparishad, Chittamur, Tirupathi District.
5. The Village Revenue Officer, Secretariat, Gunapatipalem, Chittamur Mandal, Tirupathi District. **(Addresses 1 to 5 by RPAD)**
6. One CC to SRI. KOTHA VEERA NAGA PALLAVI Advocate [OPUC]
7. Two CCs to GP FOR WOMEN & CHILD WELFARE, High Court Of Andhra Pradesh. [OUT]
8. One CC to G. VENKTA REDDY, Standing Counsel. [OPUC]
9. **One spare copy**

ER

HIGH COURT

DRJ

DATED:26/04/2023

POST AFTER FOUR(4) WEEKS

ORDER

WP.No.10013 of 2023

DIRECTION

