

**IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)
FRIDAY, THE TWENTY FIFTH DAY OF JUNE
TWO THOUSAND AND TWENTY ONE
:PRESENT:
THE HONOURABLE SRI JUSTICE M.SATYANARAYANA MURTHY**



WRIT PETITION NO: 10196 OF 2021

Between:

1. Dr. S. Syamala Devi, w/o S. Krishnama Naidu, Hindu, aged 67 years, Prof: Doctor, r/a 22-268B Lawyer's Colony, Chittoor.
2. S. Krishnama Naidu, S/o late S. Gurappa Naidu Hindu, aged 68 years, Advocate, r/a 22-268B Lawyer's Colony, Chittoor.

Petitioners

AND

1. The State of Andhra Pradesh, represented by the Principal Secretary (Revenue), Secretariat Buildings, Velagapudi, Amaravathi, Guntur District, A.P.
2. The District Collector, Chittoor
3. The Joint Collector, Collector's Office, Chittoor
4. The Divisional Forest Officer, Chittoor, West Division, AP Forest Department, Chittoor.
5. The Forest Range Officer, , Rangapuram, Palamaner, Chittoor Dist.
6. T.K. Maaz, s/o late T.K.Mohammed Ali, Muslim, aged 30 years, r/a H.No.1/4 Big Mosque Street, Oldpet, Palamaner, Chittoor District.

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 any writ or direction or order, more particularly in the nature of Writ of Mandamus declaring the impugned orders/proceedings of 3rd Respondent issued in R.Dis.F3/24360 dated 30-12-2020 (Ex.P1) as illegal, unilateral, colourable, unjust, violative of principles of natural justice and devoid of jurisdiction.

IA NO: 1 OF 2021

Petition under Section 151 CPC 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 not to interfere not to dispossess the petitioners from Ac.65.80 cents in Sy.No.7/7, AC.21.10 cents in Sy.No.609/1 and Sy.No. 348 Ac.4.00 cents of Kothapalli Village, Gangavaram Mandal, Chittoor District, pending disposal of WP 10196 of 2021 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 K.S. Gopala Krishnan Advocate for the Petitioners, GP for Revenue for the Respondent Nos.1 to 3 and of GP for Forest for Respondent Nos.4 & 5, the Court made the following.

ORDER:

Post after three (3) weeks along with W.P.No.9766 of 2021.

The petitioners and 6th respondent T.K.Maaz has set up rival claim over the land in dispute in survey Nos.5; 7/7; 609/1 and 348 of Kothapalli village, Gangavaram Mandal, Chittoor District. The total extent is Ac.98.44 cents. Both the petitioners and the 6th respondent filed writ petitions questioning the order passed by Joint Collector, Chittoor, dated 30.12.2020. The main contention of the learned counsel for the petitioners Sri K.S.Gopalakrishnan is that, either the petitioners or 6th respondent are unable to enjoy usufruct of land and the Mango crop available in the land that is being

wasted. Therefore, taking into consideration facts and circumstances and to protect the interest of everyone, I find that it is a fit case to direct the Principal District and Sessions Judge, Chittoor to appoint an Advocate Commissioner to get the produce collected if any, available in an extent of Ac.98.44 cents in survey Nos.5; 7/7; 609/1 and 348 of Kothapalli village, Gangavaram Mandal, Chittoor District and sell the same in open auction the sale proceeds be kept in deposit in the account of Principal District and Sessions Judge, Chittoor, until further orders and on such deposit, the Principal District and Sessions Judge, Chittoor is directed to keep the same in a fixed deposit for a period of two years to avoid any loss to either of the parties.

Sd/- V. SATYANARAYANA
ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To

1. The Principal Secretary (Revenue), State of Andhra Pradesh, Secretariat Buildings, Velagapudi, Amaravathi, Guntur District, A.P.
2. The District Collector, Chittoor
3. The Joint Collector, Collector's Office, Chittoor
4. The Divisional Forest Officer, Chittoor, West Division, AP Forest Department, Chittoor.
5. The Forest Range Officer, , Rangapuram, Palamaner, Chittoor District.
6. T.K. Maaz, S/o late T.K.Mohammed Ali, R/o H.No.1/4, Big Mosque Street, Oldpet, Palamaner, Chittoor District. **(1 to 6 by RPAD)**
7. One CC to Sri K. S. Gopala Krishnan Advocate [OPUC]
8. Two CCs to GP for Revenue, High Court of Andhra Pradesh. [OUT]
9. Two CCs to GP for Forest, High Court of Andhra Pradesh. [OUT]
10. One spare copy

TVR

NO EB IN THIS BUNDLE

HIGH COURT

MSMJ

DATED:25/06/2021

ORDER

WP.No.10196 of 2021

DIRECTION

