



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

[3330]

THURSDAY, THE TWENTY THIRD DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO

WRIT PETITION No.10733 of 2026

Between:

1. MUNAGALA KRISHNAVENI, W/O. MUNAGALA VENKAT REDDY AGED ABOUT 35 YEARS, OCC HOUSEWIFE, R/O. HNO. 7-172, PURITIPENTA, GAGPATHINAGARAM MANDAL, VIZIANAGARAM DISTRICT, A.P. PIN-535270

...PETITIONER

AND

1. THE STATE OF AP, REP. BY ITS PRINCIPAL. SECRETARY, REVENUE DEPARTMENT, 4TH BLOCK, GROUND FLOOR, ROOM NO135, A.P SECRETARIAT OFFICE, VELAGAPUDI, AMARAVATHI, GUNTUR DISTRICT, ANDHRA PRADESH-522228
2. THE DISTRICT COLLECTOR, VIZIANAGARAM - 535002, VIZIANAGARAM DISTRICT, ANDHRA PRADESH.
3. THE VIZIANAGARAM MUNICIPAL CORPORATION, RIP BY ITS COMMISSIONER VIZIANAGARAM. VIZIANAGARAM, AP - 535001
4. THE REVENUE DIVISIONAL OFFICER, VIZIANAGARAM - 535002 VIZIANAGARAM DISTRICT, ANDHRA PRADESH
5. THE TAHSILDAR, GAJAPATHINAGARAM MANDAL - 535270 VIZIANAGARAM DISTRICT, ANDHRA PRADESH
6. THE VILLAGE REVENUE OFFICER, (VRO) O/O THE THASILDAR, GAJAPATINAGARAM GJAPATHINAGARAM, VIZIANAGARAM DISTRICT, AP-535270

...RESPONDENT(S):

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 particularly, one in the nature of writ of Mandamus declaring the action of respondents authorities making efforts in dispossessing of the plot of the petitioner situated bearing plot no-59, Plot no.59, Survey No. 165141P, 42P, admeasuring 311.25 Sq.Yds situated at Sri Dhana Lakshmi Colony Layout, K.L. Puram revenue area under Vizianagaram Municipal Corporation, Vizianagaram District Andhra Pradesh without following procedure established by the law as illegal, arbitrary, unjust and contrary to law and violation of principles of natural justice and consequently direct the respondents not to

dispossessing of the plot of the petitioner situated bearing plot no-59, Plot no.59, Survey No. 165/41P, 42P, admeasuring 311..25 Sq.Yds situated at Sri Dhana Lakshmi Colony Layout, K.L. Puram revenue area under Vizianagarams Municipal Corporation, Vizianagaram District and pass

IA NO: 1 OF 2026

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 may be pleased to direct the respondents not to take coercive steps further for dispossessing of the plot of the petitioner situated bearing plot no-59, Survey No. 165/41P, 42P, admeasuring 311.25 Sq.Yds situated at Sri Dhana Lakshmi Colony Layout, K.L. Puram revenue area under Vizianagaram Municipal Corporation, Vizianagaram District Andhra Pradesh by considering the representation of petitioner representation dated 04-03-2026 and pass

Counsel for the Petitioner:

1.K GANI REDDY

Counsel for the Respondent(S):

1.GP FOR REVENUE

The Court made the following:

THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO
WRIT PETITION No.10733 of 2026

ORDER:-

The present Writ Petition is filed under Article 226 of the Constitution of India seeking the following relief:

“...to issue a Writ, Order or direction particularly, one in the nature of writ of Mandamus declaring the action of respondents authorities making efforts in dispossessing of the plot of the petitioner situated bearing plot No.59, Plot No.59, Survey No. 165/41P, 42P, admeasuring 311.25 Sq.Yds situated at Sri Dhana Lakshmi Colony Layout, K.L.Puram revenue area under Vizianagaram Municipal Corporation, Vizianagaram District, Andhra Pradesh, without following procedure established by the law as illegal, arbitrary, unjust and contrary to law and violation of principles of natural justice and consequently direct the respondents not to dispossessing of the plot of the petitioner situated bearing plot no-59, Plot no.59, Survey No. 165/41P, 42P, admeasuring 311.25 Sq.Yds situated at Sri Dhana Lakshmi Colony Layout, K.L.Puram revenue area under Vizianagaram Municipal Corporation, Vizianagaram District and pass such other order in the interest of justice....”

2. The present writ petition is filed challenging the action of the respondents in making hectic efforts to dispossess the petitioner from Plot No.59, Survey No.165/41P, 42P, admeasuring 311.25 Sq.Yds situated at Sri Dhana Lakshmi Colony Layout, K.L.Puram revenue area under Vizianagaram Municipal Corporation, Vizianagaram District, without following due process of law.

3. Heard Sri K.Gani Reddy, learned counsel for petitioner and learned Assistant Government Pleader for Revenue appearing on behalf of respondents.

4. On perusal of the affidavit filed in support of the writ petition it appears that petitioner herein submitted representation *vide* PGRS Grievance No.VZM20260304454, dated 04.03.2026, to the District Collector, while the respondents attempting to dispossess the petitioner from the aforesaid land. As the said representation is not addressed, the present writ petition is filed seeking a direction to the respondents not to dispossess the petitioner without following due process of law.

5. As the writ petition is filed seeking a direction to the respondents not to dispossess the petitioner without following due process of law, this Court dispense with securing instructions from the respondents.

6. However, learned Assistant Government Pleader for Revenue has not significantly opposed the disposal of the writ petition.

7. In ***Rame Gowda v. M.Varadappa Naidu***,¹ a three-Judge Bench of the Hon'ble Apex Court, while discussing the Indian law on the subject, observed as under:

“..It is thus clear that so far as the Indian law is concerned, the person in peaceful possession is entitled to retain his possession and in order to protect such possession he may even use reasonable force to keep out a trespasser. A rightful owner who has been wrongfully dispossessed of land may retake possession if he can do so peacefully and without the use of unreasonable force. If the trespasser is in settled possession of the property belonging to the rightful owner, the rightful owner shall have to take recourse to law.”

¹ (2004)1 SCC 769

8. In the case of ***Ram Ratan and others Vs. State of Uttar Pradesh***², question cropped up before Hon'ble Supreme Court, with regard to right of private defence of trespasser against true owner. Their Lordships held that true owner has no right to dispossess the trespasser by use of force, in case trespasser was in possession in full knowledge of the true owner. Observation made by Hon'ble the Supreme Court is reproduced as under:-

"In State of W.B. and others Vs Vishnunarayan and Associates (P) Ltd. and another, reported in (2002) 4 SCC 134, held that State and its executive officers cannot interfere with the rights of others except where their actions are authorized by specific provisions of law."

9. In, ***H.B.Yogalaya Vs. State of U.P. and others***³, the Hon'ble Apex Court held that without any show cause notice or hearing, neither demolition can take place nor a person may be dispossessed from the property, relevant portion is extracted hereunder:

"Otherwise also principles of natural justice demand that a show-cause notice and hearing be given before demolishing or dispossessing a person from the properties of which he is in possession. Counsel appearing for the respondents did not contest this proposition."

"It is well settled that the law requires that the true owner should dispossess the trespasser by taking recourse to the remedies under, the law."

10. In the celebrated case of ***Maneka Gandhi vs. Union of India***⁴, the Hon'ble Supreme Court upheld the phrase no one shall be deprived of one's life and liberty except procedure established by law as employed in Article 21 of the Constitution of India. The Principles of

² (1977) 1 SCC 188

³ (2004) 13 SCC 518

⁴ AIR 1978 SC 25

Natural Justice demands that the persons who are affected should be heard.

11. Therefore, this Court is of the opinion that the petitioner should not be dispossessed except in accordance with the law, as held in ***Rame Gowda's case*** (supra-1).

12. Accordingly, the Writ Petition is disposed of, directing the respondents not to interfere with the peaceful possession and enjoyment of the petitioner's subject property, except by following due process of law. There shall be no order as to costs.

As a sequel thereto, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE TARLADA RAJASEKHAR RAO

Date: 23.04.2026

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