



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

[3333]

MONDAY, THE SIXTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SMT JUSTICE V.SUJATHA

WRIT PETITION NO: 22804/2016

Between:

1.KOMMI VENKATESWARLU, S/O LATE KOMMI PENCHALAI AH,
AGED ABOUT 45 YEARS, OCC: AGRICULTURIST R/O H.NO. 4-77,
AMANCHERLA VILLAGE, NELLORE RURAL MANDAL, SPSR
DISTRICT.

...PETITIONER

AND

- 1.THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL
SECRETARY, REVENUE DEPARTMENT SECRETARIAT,
HYDERABAD.
- 2.THE DISTRICT COLLECTOR NELLORE SPSR NELLORE DISTRICT, -
- 3.THE REVENUE DIVISIONAL OFFICER, NELLORE, SPSR NELLORE
DISTRICT.
- 4.THE TAHSILDAR, NELLORE RURAL MANDAL, SPSR NELLORE
DISTRICT.

...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 an appropriate Writ, order or Direction, more particularly one in the nature of Writ of Mandamus, to declare the action of the respondent No. 4 herein in threatening to dispossess the petitioner herein from his lawful possession in respect of the land admeasuring Ac. 3.20 cents in Sy.No. 388 situated at Amancherla village, Nellore Rural Mandal, SPSR Nellore District,

without issuing any notice and without following the procedure contemplated under the Law, as being illegal, arbitrary, unconstitutional and violative of Article 21 and 300-A of the Constitution of India and consequently direct the respondent No.4 herein not to interfere with the possession and enjoyment of the petitioner in respect of the above said land in any manner

IA NO: 1 OF 2016(WPMP 28044 OF 2016)

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 pass orders directing the Respondent No.4 herein not to dispossess or in any manner interfere with the possession and enjoyment of the petitioner in respect of the land admeasuring Ac.3.20 cents in Sy.No.388 situated at Amancherla Village, Nellore Rural Mandal, SPSR Nellore District, without following the due process of Law, pending disposal of the main Writ Petition

IA NO: 1 OF 2017(WPMP 38182 OF 2017)

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 implead the petitioners as respondents 5 to 10 in the above W.P. and pass

IA NO: 2 OF 2017(WVMP 154243 OF 2017)

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

IA NO: 3 OF 2017(WPMP 173904 OF 2017)

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

IA NO: 4 OF 2018

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 vacate the interim order granted on 18-7-2016 in WPMP.No. 28044 of 2016 in WP.No.22804 of 2016 and pass

Counsel for the Petitioner:

1. SHAIK JILANI

Counsel for the Respondent(S):

1.C VANI REDDY

2.GP FOR REVENUE (AP)

The Court made the following:

ORDER:

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

“...to issue an appropriate Writ, order or Direction, more particularly one in the nature of Writ of Mandamus, to declare the action of the respondent No.4 herein in threatening to dispossess the petitioner herein from his lawful possession in respect of the land admeasuring Ac.3.20 cents in Sy.No.388 situated at Amancherla village, Nellore Rural Mandal, SPSR Nellore District, without issuing any notice and without following the procedure contemplated under the Law, as being illegal, arbitrary, unconstitutional and violative of Article 21 and 300-A of the Constitution of India and consequently direct the respondent No.4 herein not to interfere with the possession and enjoyment of the petitioner in respect of the above said land in any manner...”

2. The petitioner claims to be the absolute owner and possessor of agricultural land admeasuring an extent of Ac.3.20 cents in Sy.No.388 situated at Amancherla Village, Nellore Rural Mandal, SPSR Nellore District having succeeded the same from his father, who was assigned the said land by the then Tahsildar, Nellore Mandal, Nellore District vide D-Form dated 14.10.1970, bearing proceedings F.Dis.No.2281/79. Thereafter, the petitioner's father was in peaceful possession and enjoyment of the same without any interference until his death i.e., on 17.01.1997. After demise of his father, the petitioner succeeded to the said land and has been cultivating the same, raising paddy and other crops, thereby eking out his livelihood.

3. While the matter being so, the 4th respondent, along his subordinates came to the petitioner's land on 23.06.2016 and again on 05.07.2017, and threatened to vacate the subject land and handover possession of the same,

stating that the said land belongs to the Government. Aggrieved by the said action of the respondents, the petitioner has filed the present writ petition.

4. When the matter came up for admission on 18.07.2016, this Court passed an interim order directing respondent No.4 not to dispossess or interfere in any manner with the possession and enjoyment of the petitioner over the subject land without following due process of law.

5. Heard learned counsel for the petitioner and the learned Assistant Government Pleader for Revenue for the respondents.

6. Today, when the matter came up for hearing, learned Assistant Government Pleader for Revenue, on oral instructions, submitted that in pursuance of the interim order granted by this Court on 18.07.2016, the respondents have not interfered with the petitioner's possession over the subject land.

7. In view of the fact that the petitioner is claiming possession over the subject land by virtue of a D-form patta issued by the then Tahsildar, Nellore Mandal dated 14.10.1970, and taking into consideration the submission of the learned Assistant Government Pleader, this Court is of the opinion that instead of keeping the writ petition pending, it would be appropriate to dispose of the writ petition by directing the respondents not to interfere with the possession over the subject land except by following due process of law.

8. Accordingly, the Writ Petition is disposed of, directing the respondents not to interfere with the possession of the petitioner over the land admeasuring Ac.3.20 cents in Sy.No.388 of Amancherla Village, Nellore Rural Mandal, SPSR Nellore District, without following due process of law. There shall be no order as to costs.

Consequently, Miscellaneous Petitions, if any, pending shall stand closed.

Date: 06.09.2025
KGR

JUSTICE V.SUJATHA