

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

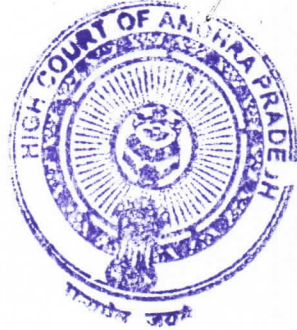
WEDNESDAY, THE SIXTEENTH DAY OF OCTOBER,
TWO THOUSAND AND TWENTY FOUR

:PRESENT:

THE HONOURABLE SRI JUSTICE B. KRISHNA MOHAN

WRIT PETITION NO: 10660 OF 2024

BETWEEN



1. Madyanapu Satya Narayana, S/o. Venkateswar Rao,
Aged about 75 years, Occ: Agriculture,
R/o. D.No.9-41, Challavarigudem, Tadvai Gram Panchayat,
Jangareddigudem Mandal, Eluru District (erstwhile West Godavari
District).
2. Alladi Krishna Rao, S/o. Venkat Swami
Aged about 90 years, Occ: Agriculture,
R/o. D.No.13-12, Challavarigudem, Tadvai Gram Panchayat,
Jangareddigudem Mandal, Eluru District (erstwhile West Godavari
District).
3. Maddula Venkateswar Rao, S/o. Lakshmaiah,
Aged about 75 years, Occ: Agriculture,
R/o. D.No.9-243, Challavarigudem, Tadvai Gram Panchayat,
Jangareddigudem Mandal, Eluru District (erstwhile West Godavari
District).
4. Maddula Nageshwar Rao, S/o. Lakshmaiah,
Aged about 75 years, Occ: Agriculture,
R/o. D.No. 9-243, Challavarigudem, Tadvai Gram Panchayat,
Jangareddigudem Mandal, Eluru District (erstwhile West Godavari
District).
5. Peddada Subba Rao, S/o. Ganga Raju,
Aged about 72 years, Occ: Agriculture,
R/o. D.No.9-242, Challavarigudem, Tadvai Gram Panchayat,
Jangareddigudem Mandal, Eluru District (erstwhile West Godavari
District).

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6. Mohamatapu Satyanarayana, S/o. Venkat Swamy,
Aged about 75 years, Occ: Agriculture,
R/o. Challavarigudem, Tadvai Gram Panchayat,
Jangareddigudem Mandal, Eluru District (erstwhile West Godavari
District).
 7. Alladi Venkat Rao, S/o. Venkat Swamy,
Aged about 61 years, Occ: Agriculture,
R/o. Challavarigudem, Tadvai Gram Panchayat,
Jangareddigudem Mandal, Eluru District (erstwhile West Godavari
District).
 8. Pasupuleti Kishore, S/o. Narasimha Rao,
Aged about 60 years, Occ: Agriculture,
R/o. Challavarigudem, Tadvai Gram Panchayat,
Jangareddigudem Mandal, Eluru District (erstwhile West Godavari
District).
 9. Kukkala Nagaraju, S/o. Durga Rao,
Aged about 65 years, Occ: Agriculture,
R/o. Challavarigudem, Tadvai Gram Panchayat,
Jangareddigudem Mandal, Eluru District (erstwhile West Godavari
District).
 10. Tekkam Srinivas Rao, S/o. Venkat Ramaiah,
Aged about 85 years, Occ: Agriculture,
R/o. Challavarigudem, Tadvai Gram Panchayat,
Jangareddigudem Mandal, Eluru District (erstwhile West Godavari
District).
 11. Minda Lakshman Rao, S/o. Siddaiah,
Aged about 60 years, Occ: Agriculture,
R/o. D.No.14-22, Challavarigudem, Tadvai Gram Panchayat,
Jangareddigudem Mandal, Eluru District (erstwhile West Godavari
District).
 12. Danam Jaya Lakshmi, W/o. Sathi Babu,
Aged about 45 years, Occ: Agriculture,
R/o. Challavarigudem, Tadvai Gram Panchayat,
Jangareddigudem Mandal, Eluru District (erstwhile West Godavari
District).

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13. Singam Shetty Swamy, S/o. Durga Rao
Aged about 52 years, Occ: Agriculture,
R/o. Challavarigudem, Tadvai Gram Panchayat,
Jangareddigudem Mandal, Eluru District (erstwhile West Godavari District).
14. Kanikalla Jevaratnam, S/o. Yesu Babu,
Aged about 70 years, Occ: Agriculture,
R/o. Challavarigudem, Tadvai Gram Panchayat,
Jangareddigudem Mandal, Eluru District (erstwhile West Godavari District).
15. Mulakala Venkata Narasamma, W/o. Nageshwar Rao
Aged about 74 years, Occ: Agriculture,
R/o. Challavarigudem, Tadvai Gram Panchayat,
Jangareddigudem Mandal, Eluru District (erstwhile West Godavari District).
16. Mamilla Lakshman Rao, S/o. Venkat Swamy,
Aged about 70 years, Occ: Agriculture,
R/o. D.No.8-101, Challavarigudem, Tadvai Gram Panchayat,
Jangareddigudem Mandal, Eluru District (erstwhile West Godavari District).
17. Muthayala Lakshman Chary, S/o. Brahma Chary,
Aged about 69 years, Occ: Agriculture,
R/o. D.No.14-12, Challavarigudem, Tadvai Gram Panchayat,
Jangareddigudem Mandal, Eluru District (erstwhile West Godavari District).
18. Pothana Venkat Rambabu, S/o. Rama Durga Rao,
Aged about 76 years, Occ:
R/o. D.No.9-74, Challavarigudem, Tadvai Gram Panchayat,
Jangareddigudem Mandal, Eluru District (erstwhile West Godavari District).
19. Bhaskara Srinivas, S/o. Venkateswarlu,
Aged about 69 years, Occ: Agriculture,
R/o. D.No.8-116, Challavarigudem, Tadvai Gram Panchayat,
Jangareddigudem Mandal, Eluru District (erstwhile West Godavari District).

20. Kolli Dhanalakshmi, W/o. Veerraju,
Aged about 65 years, Occ: Agriculture,
R/o. Challavarigudem, Tadvai Gram Panchayat,
Jangareddigudem Mandal, Eluru District (erstwhile West Godavari
District).
21. Kanthi Reddy Raja Sekhar, S/o. Venkat Narsaiah,
Aged about 72 years, Occ: Agriculture,
R/o. H.No.8-14, Challavarigudem, Tadvai Gram Panchayat,
Jangareddigudem Mandal, Eluru District (erstwhile West Godavari
District).
22. Tekam Lakshmi Narayana, S/o. Venkat Ramaiah,
Aged about 77 years, Occ: Agriculture,
R/o. 8/B, Challavarigudem, Tadvai Gram Panchayat,
Jangareddigudem Mandal, Eluru District (erstwhile West Godavari
District).
23. Parimi Srinivas Rao, S/o. Parimi Hanumanth Rao (died),
Aged about 52 years, Occ: Agriculture,
R/o. Challavarigudem, Tadvai Gram Panchayat,
Jangareddigudem Mandal, Eluru District (erstwhile West Godavari
District).
24. Pindala Venkateswar Rao, S/o. Durga Rao,
Aged about 70 years, Occ: Agriculture,
R/o. Challavarigudem, Tadvai Gram Panchayat,
Jangareddigudem Mandal, Eluru District (erstwhile West Godavari
District).
25. Pindala Srinu, S/o. Durgaiiah,
Aged about 65 years, Occ: Agriculture,
R/o. Challavarigudem, Tadvai Gram Panchayat,
Jangareddigudem Mandal, Eluru District (erstwhile West Godavari
District).
26. Alladi Krishna Rao, S/o. Venkat Swamy,
Aged about 52 years, Occ: Agriculture,
R/o. D.No.13-12, Challavarigudem, Tadvai Gram Panchayat,
Jangareddigudem Mandal, Eluru District (erstwhile West Godavari
District).

27. Alladi Kishore Babu, S/o. Krishna Rao,
Aged about 30 years, Occ: Agriculture,
R/o. D.No.13-12, Challavarigudem, Tadvai Gram Panchayat,
Jangareddigudem Mandal, Eluru District (erstwhile West Godavari
District).
28. Bhaskar Satyavathi, S/o. Venkateswar Rao,
Aged about 64 years, Occ: Agriculture,
R/o. Challavarigudem, Tadvai Gram Panchayat,
Jangareddigudem Mandal, Eluru District (erstwhile West Godavari
District).
29. Parimi Srinivas Rao, S/o. Parimi Hanumanth Rao (died),
Aged about 52 years, Occ: Agriculture,
R/o. Challavarigudem, Tadvai Gram Panchayat,
Jangareddigudem Mandal, Eluru District (erstwhile West Godavari
District).
30. Pasupuleti Krishna, S/o. Late Siva Lingam,
Aged about 70 years, Occ: Agriculture,
R/o. Challavarigudem, Tadvai Gram Panchayat,
Jangareddigudem Mandal, Eluru District (erstwhile West Godavari
District).
31. Pallanti Venkat Narasimha Rao, S/o. Venkat Rao,
Aged about 60 years, Occ: Agriculture,
R/o. Challavarigudem, Tadvai Gram Panchayat,
Jangareddigudem Mandal, Eluru District (erstwhile West Godavari
District).
32. Kukala Durga Rao, S/o. Gangaraju,
Aged about 65 years, Occ: Agriculture,
R/o. Challavarigudem, Tadvai Gram Panchayat,
Jangareddigudem Mandal, Eluru District (erstwhile West Godavari
District).
33. Alladi Krishna Rao, S/o. Venkat Swamy,
Aged about 90 years, Occ: Agriculture,
R/o. D.No.13-12, Challavarigudem, Tadvai Gram Panchayat,
Jangareddigudem Mandal, Eluru District (erstwhile West Godavari
District).

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34. Pallanti Venkat Rao, S/o. Narasimhulu,
Aged about 59 years, Occ: Agriculture,
R/o. H.No.9-246, Challavarigudem, Tadvai Gram Panchayat,
Jangareddigudem Mandal, Eluru District (erstwhile West Godavari
District).
35. T.Kanaka Rao, S/o. Late T.Veera Venkamma
Aged about 50 years, Occ: Agriculture,
R/o. H.No.8-93, Challavarigudem, Tadvai Gram Panchayat,
Jangareddigudem Mandal, Eluru District (erstwhile West Godavari
District).
36. A.Chakradhar Rao, S/o. Gopala Krishna Rao,
Aged about 45 years, Occ: Agriculture,
R/o. H.No.9-172, Challavarigudem, Tadvai Gram Panchayat,
Jangareddigudem Mandal, Eluru District (erstwhile West Godavari
District).

AND

...Petitioners

1. The State of Andhra Pradesh,
Represented by its Principal Secretary,
Panchayat Raj Department,
Secretariat Buildings, Velagapudi, Guntur District.
2. The District Collector,
West Godavari District.
3. The District Panchayat Raj Officer,
Eluru.
4. The Revenue Divisional Officer,
Jangareddygudem Mandal, Eluru District.
5. The Tahsildar,
Jangareddygudem Mandal, Eluru District.
6. The Gram Panchayat, Tadvai,
Represented by its Secretary,
Tadvai Gram Panchayat, Jangareddygudem Mandal, Eluru 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 a direction, order or a Writ, more particularly a Writ of Mandamus declaring the action of the Respondent No.6 in passing orders dated Roc.No.45 of 2023, dated 17.02.2024 against the Petitioners and directing the Petitioners to evict from their respective houses situated in R.S.No.75 to an extent of Ac.19-54 cents in Challavarigudem, Tadvai Gram Panchayat, Jangareddigudem Mandal, Eluru District (erstwhile West Godavari District) without conducting proper survey and without conducting proper enquiry as illegal, improper, unjust, arbitrary and contrary to law and contrary to the directions given by the Honourable Composite High Court of Andhra Pradesh in W.P.No.23239 of 2005 dated 19/02/2017 and set aside the said impugned orders and further declare that the petitioners are entitled to reside in their respective houses.

IA NO: 1 OF 2024

Petition under Section 151 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 not to Evict the Petitioners from their respective houses situated in R.S.No.75 to and extent of Ac.19-54 cents in Challavarigudem, Tadvai Gram Panchayat, Jangareddigudem Mandal, Eluru District (erstwhile West Godavari District) by suspending the impugned orders in Roc.No.45/2023 dated 17-02-2024, pending disposal of WP No. 10660 of 2024, 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 the order of the High Court order dated 06.05.2024 & 24.07.2024 made herein and upon hearing the arguments of Sri P S P SURESH KUMAR Advocate for the Petitioner, GP FOR PANCHAYAT RAJ for respondent nos.1 to 3, GP FOR REVENUE for Respondent Nos.2, 4 and 5, Sri N.Srihari Standing Counsel for respondent no.6, the Court made the following;

ORDER:

"The counter was filed by the learned counsel for the petitioners in I.A.No.2 of 2024.

The 6th respondent filed counter affidavit in the main writ petition.

List on 05.11.2024.

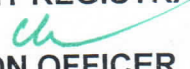
In the meanwhile, the other respondents shall file their counters.

Interim order granted earlier by this Court dated 06.05.2024 is extended till then.

Delete the name of Mr. N. Srihari and print the name of the learned Standing Counsel for the respondent No.6."

//TRUE COPY//

For

SD/- A. VIJAYA BABU
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. One CC to SRI. P S P SURESH KUMAR Advocate [OPUC]
2. Two CCs to GP FOR PANCHAYAT RAJ RURAL DEV, High Court Of Andhra Pradesh. [OUT]
3. Two CCs to GP FOR REVENUE, High Court of Andhra Pradesh.[OUT]
4. One spare copy

HIGH COURT

BKM,J

DATED:16.10.2024

NOTE: LIST ON 05.11.2024

ORDER

WP.No.10660 of 2024

INTERIM ORDER EXTENDED

