

APHC010212662026



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

[3332]

MONDAY, THE TWENTIETH DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

WRIT PETITION NO: 10600/2026

Between:

1.P. SARAMMA, W/O. LATE ISSAK, AGED ABOUT 78 YEARS, OCC
HOUSEWIFE, RIO. RAMASINGAVARAM VILLAGE,
H/O.I.S.JAGANNADHAPURAM, DWARAKA TIRUMALA MANDAL,
ELURU DISTRICT - 534435.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REPRESENTED BY ITS
PRINCIPAL SECRETARY, PANCHAYAT RAJ DEPARTMENT,
SECRETARIAT BUILDINGS, AT VELAGAPUDI, AMARAVATHI,
GUNTUR DISTRICT - 522237.
2. THE DISTRICT COLLECTOR, ELURU DISTRICT, AT ELURU -
534006.
3. THE REVENUE DIVISIONAL OFFICER, JANGAREDDYGUDEM,
ELURU DISTRICT - 534447.
4. THE TAHSILDAR, DWARAKA TIRUMALA MANDAL, ELURU
DISTRICT - 534426.
5. THE RAMASINGAVARAM GRAM PANCHAYAT, REP. BY ITS
PANCHAYAT SECRETARY, RAMASINGAVARAM VILLAGE,
DWARAKA TIRUMALA MANDAL, ELURU DISTRICT.
6. THE VILLAGE SURVEYOR, RAMASINGAVARAM VILLAGE,
H/O.I.S.JAGANNADHAPURAM, DWARAKA TIRUMALA MANDAL,

ELURU DISTRICT - 534435.

7. B JEEVARATNAM, S/O. LAKUMUDU, AGED ABOUT 46 YEARS, OCC AUTO DRIVER, R/O. RAMASINGAVARAM VILLAGE, H/O.I.S.JAGANNADHAPURAM, DWARAKA TIRUMALA MANDAL, ELURU DISTRICT - 534435.
8. B RAJU, S/O. SUBBA RAO, AGED ABOUT 38 YEARS, OCC COOLIE, R/O. RAMASINGAVARAM VILLAGE, H/O.I.S.JAGANNADHAPURAM, DWARAKA TIRUMALA MANDAL, ELURU DISTRICT - 534435.
9. B RAMESH, S/O. SUBBA RAO, AGED ABOUT 43 YEARS, OCC BUSINESS, R/O. RAMASINGAVARAM VILLAGE, H/O.I.S.JAGANNADHAPURAM, DWARAKA TIRUMALA MANDAL, ELURU DISTRICT - 534435.
10. N NAGARJUNA, , S/O. NAGESH, AGED ABOUT 38 YEARS, OCC COOLIE, RIO. RAMASINGAVARAM VILLAGE, H/O.I.S.JAGANNADHAPURAM, DWARAKA TIRUMALA MANDAL, ELURU DISTRICT - 534435.
11. D YESU, S/O. PAUL, AGED ABOUT 37 YEARS, OCC BUSINESS, RIO. RAMASINGAVARAM VILLAGE, H/O.I.S.JAGANNADHAPURAM, DWARAKA TIRUMALA MANDAL, ELURU DISTRICT - 534435.

...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, One in the nature of a Writ of Mandamus or any other appropriate Writ, Direction or Order questioning the action of the 3rd and 4th respondents in not taking action for removal of the statue erected by the respondents No.7 to 11 in the petitioner patta land in Sy.No.363/2D admeasuring an extent of Ac.0.02 cents situated at Ramasingavaram Village, H/o.I.S.Jagannadhapuram, Dwaraka Tirumala Mandal, Eluru District is illegal, arbitrary and contrary to G.O.Ms.No.18, dated 18-02-2013 issued by the Government of Andhra Pradesh Transport, Roads and Buildings (Roads-I department without obtaining any permission from the 2nd respondent and consequently direct the respondents 2 to 4 to remove the statue erected in Sy.No.363/2D admeasuring an extent of Ac.0.02 cents situated at Ramasingavaram Village, H/o. I.S.Jagannadhapuram, Dwaraka Tirumala Mandal, Eluru District and pass such

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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 3 to 5 herein not to permit the respondents No.7 to 11 to proceed further in the opening ceremony of the statue in respect of land in Sy.No.363/2D admeasuring an extent of Ac.0.02 cents situated at Ramasingavaram Village, H/o. I.S.Jagannadhapuram, Dwaraka Tirumala Mandal, Eluru District, pending disposal of above writ petition and pass such

Counsel for the Petitioner:

1.M K RAJ KUMAR

Counsel for the Respondent(S):

1.GP FOR PANCHAYAT RAJ RURAL DEV

The Court made the following order:

The grievance of the petitioner is that the respondent nos.3 & 4 are not taking any action in removing the statue erected by the unofficial respondents in the petitioner's patta land in Sy.No.363/2D admeasuring Ac.0.02 cents situated at Ramasingavaram village, H/o I.S.jagannadhapuram, Dwaraka Tirumala mandal, Eluru district.

2. Heard Sri M.K.Raj Kumar, learned counsel for the petitioner, Sri Y.Koteswara Rao, learned Standing counsel for Gram Panchayat and learned Assistant Government Pleader for Panchayat Raj Department.

3. As could be culled out from the facts and circumstances of the case, it is clear that there is a dispute between the petitioner and the unofficial respondents with regard to erecting of statue in the subject premises. The said dispute between the petitioner and unofficial respondents is civil in nature

and they have to approach the competent civil court for redressal of their grievance.

It has repeatedly been held by the Apex court and various High Courts that a regular suit is the appropriate remedy for settlement of disputes relating to property rights between private persons and that the remedy under Article 226 of the constitution shall not be available except where violation of some statutory duty on the part of a statutory authority is alleged. The jurisdiction is special and extra-ordinary and should not be exercised casually or lightly. In the present case, there is no statutory duty case upon the authorities to resolve the dispute between the petitioner and the unofficial respondents.

In view of the same, the writ petition is ***disposed of*** giving liberty to the petitioner to approach competent civil court in accordance with law. There shall be no order as to costs.

Miscellaneous applications, pending if any, shall stand closed.

JUSTICE RAVI CHEEMALAPATI

BRS