

(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)
THURSDAY, THE THIRTIETH DAY OF MAY
TWO THOUSAND AND TWENTY FOUR



:PRESENT:

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI
WRIT PETITION NO: 12164 OF 2024

Between:

Kommaraju Vasu, S/o. Subramaneswara Rao, Aged 44 years, Occ: Cultivation,
R/o.H.No. 2-14, old Cinema Hall Center, Makkinavarigudem, T Narasapuram
Mandal, Eluru District.

...Petitioner

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary to Government, Revenue Department, Secretariat, Velagapudi, Amaravati, Guntur District.
2. The District Collector, Eluru District at Eluru.
3. The Joint Collector, Eluru District
4. The District Revenue Officer, Eluru District.
5. The Revenue Divisional Officer, Jangareddygudem, Eluru District
6. The Tahsildar, T. Narasapuram Mandal, Eluru District,
7. Smt. Kommaraju Rama Devi, W/o. Late Uma Maheswara Rao, Aged 63 years, C/o. Smt. Mandava Hymavathi, R/o. D.No.3-116, Gopavarapugudem village, Krishna District.
8. The Mandal Surveyor, T. NarasapuramMandal, Eluru District

...Respondents

WHEREAS the Petitioner above named through his Advocate SRI SITA RAM CHAPARLA presented this 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 Pleaded to issue a Writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the Order Dt.16.05.2024 passed in RC.No.528/2022/SA passed by 6th respondent and consequential action of 6th respondent in insisting me to Vacate from my land of Ac 4.75 Cents in R.S.No.469/1 of Makkinavarigudem Revenue Village in T. Narasapuram Mandal of Eluru District as illegal, irrational, irregular, without jurisdiction and violative of principles of Natural Justice, provisions of Andhra Pradesh Rights in Land and Pattadar Pass Books Act,1971 and offends articles 14,21 and 300A of Constitution of India and consequential direct the respondents not to interfere in any manner with my possession over my said land and pass

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of Sri SITA RAM CHAPARLA Advocate for the Petitioner, and of GP FOR REVENUE, for the Respondent Nos.1 to 6 and 8, directed issue of notice to the Respondents herein to show cause as to why this WRIT PETITION should not be admitted.

You viz:

1. The Principal Secretary to Government, Revenue Department, State of Andhra Pradesh, Secretariat, Velagapudi, Amaravati, Guntur District.
2. The District Collector, Eluru District at Eluru.
3. The Joint Collector, Eluru District
4. The District Revenue Officer, Eluru District.
5. The Revenue Divisional Officer, Jangareddygudem, Eluru District
6. The Tahsildar, T. Narasapuram Mandal, Eluru District,

7. Smt. Kommaraju Rama Devi, W/o. Late Uma Maheswara Rao, Aged 63 years, C/o. Smt. Mandava Hymavathi, R/o. D.No.3-116, Gopavarapugudem village, Krishna District.
8. The Mandal Surveyor, T. Narasapuram Mandal, Eluru District

are be and hereby directed to show cause either appearing in person or through an Advocate, as to why in the circumstances set out in the petition and the affidavit filed therewith (copy enclosed) this WRIT PETITION should not be admitted, on or before 24.06.2024, to which date the case stands posted for hearing.

IA NO: 1 OF 2024

Petition under Section 151 of 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 suspend the operation of order Dt.16.05.2024 in RC.No.527/2022/SA passed by the 6th respondent and consequently direct the respondents not to interfere in any manner with my possession over my agriculture landed property of Ac. 4.75 cents in R.S.No:469/1 of Makkinavarigudem Revenue Village in T.Narsapuram Mandal of Eluru District, pending disposal of WP No. 12164 of 2024, on the file of the High Court.

The Court made the following: ORDER

Notice before Admission.

Learned Government Pleader for Revenue takes notice on behalf of respondent Nos.1 to 6 and 8.

Learned counsel for the petitioner is permitted to take out personal notice to respondent No.7 by registered post with acknowledgment due and file proof of service in the Registry.

By proceedings vide R.C.No.527/2022/S.A dated 16.05.2024, the Tahsildar, T. Narasapuram Mandal, 6th respondent herein, declared the title in respect of land of an extent of Ac.4-75 cents in Sy.No.469/1 of Makkinavarigudem Village, T. Narasapuram Mandal in favour of the 7th respondent.

In W.P.No.26272 of 2021 filed by the petitioner, counter affidavit was filed by the then Tahsildar by name Sri K. Naveen Kumar, stating that the petitioner is in possession and enjoyment of land of an extent of Ac.4-75 cents in Sy.No.469/1 of Makkinavarigudem Village.

Whether the Tahsildar i.e., the 6th respondent is competent to declare the title of the 7th respondent by usurping the jurisdiction of the Civil Court requires consideration.

List the matter on 24.06.2024.

Till such time, the impugned proceedings vide R.C.No.527/2022/S.A dated 16.05.2024 passed by the 6th respondent is liable to be suspended and accordingly suspended.

//TRUE COPY//

Sk/-Mohammad Rafi
ASSISTANT REGISTRAR


SECTION OFFICER

To,

1. The Principal Secretary to Government, Revenue Department, State of Andhra Pradesh, Secretariat, Velagapudi, Amaravati, Guntur District.
2. The District Collector, Eluru District at Eluru.
3. The Joint Collector, Eluru District
4. The District Revenue Officer, Eluru District.
5. The Revenue Divisional Officer, Jangareddygudem, Eluru District
6. The Tahsildar, T. Narasapuram Mandal, Eluru District,
7. Smt. Kommaraju Rama Devi, W/o. Late Uma Maheswara Rao, Aged 63 years, C/o. Smt. Mandava Hymavathi, R/o. D.No.3-116, Gopavarapugudem village, Krishna District.
8. The Mandal Surveyor, T. NarasapuramMandal, Eluru District **(Addressees 1 to 8 by RPAD- along with a copy of petition and Affidavit)**
9. One CC to SRI. SITA RAM CHAPARLA, Advocate [OPUC]
10. Two CCs to GP FOR REVENUE, High Court of Andhra Pradesh. [OUT]
11. **One spare copy**

PSR

HIGH COURT

SRS,J

DATED:30/05/2024

NOTE: LIST THE MATTER ON 24.06.2024.

NOTICE BEFORE ADMISSION

WP.No.12164 of 2024

INTERIM SUSPENSION

