



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

[3330]

WEDNESDAY, THE EIGHTEENTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY SIX

PRESENT

**THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO
WRIT PETITION NO: 15704/2019**

Between:

- 1.A. SATHYANARAYANA, S/O A. SUBBA RAYUDU, AGED 50 YEARS,
- 2.A. VENKATA RAMANA,, S/O A. SUBBA RAYUDU, AGED 38 YEARS, PETITIONERS 1 AS 2 ARE RESIDENCE OF R/O RADHAKRISHNA NAGAR, KADAPA TOWN AND MANDAL, KADAPA DISTRICT.
- 3.Y. RAMESH,, S/O VENKATA RAMANA, AGED ABOUT 50 YEARS,
- 4.Y. SUGUNA,, W/O Y. RAMESH, AGED ABOUT 42 YEARS, PETITIONERS 3 AND 4 ARE RESIDENTS OF MANCHALA RAMAIAH VEEDHI, KAPADA TOWN AND MANDAL, KADAPA DISTRICT

...PETITIONER(S)

AND

- 1.THE SATE OF ANDHRA PRADESH, DEPT., OF REVENUE REP BY PRINCIPLE SECRETARY, VELAGAPUDI, GUNTUR DISTRICT.
- 2.THE AP STATE WALD BOARD, REPT. BY ITS CHIEF EXECUTIVE OFFICER, VIJAYAWADA
- 3.THE EXECUTIVE OFFICER INSPECTOR, DISTRICT WAKF OFFICE, KADAPA DISTRICT KADAPA.

...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 Writ of Mandamus declaring the action of the respondents in seeking to dispossess the petitioners from the possession of the property, situated in the sy.no. 18/1, compromising the building bearing Municipal. D.No. 21/442, situated in ward no. 21, admeasuring 34 ft. from east to west and 26 ft. from north to south, equivalent to 114.08 Sq. at kadapa town purchased under registered sale deeds respectively Dt.1.32019 is illegal, arbitrary, unconstitutional, ultra vires, Violtaive Article 14, 21 and 300A of constitution of India and without any authority or sanction of law and consequently direct the respondent to resist from interfering with the possession, enjoyment of the property by the petitioners

IA NO: 1 OF 2019

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 direct the respondents not to interfere with the possession of the property of the petitioners situated in Sy. No. 18/1, comprising of the building bearing Municipal D.No. 21/442, situated in ward no. 21, admeasuring 34 ft. from east to west and 26 ft. from north to south, equivalent to 114.08 Sq. yds Kadapa Town pending disposal of the above writ petition

IA NO: 1 OF 2025

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 consider the survey report dt.7-3-2025, by directing the Respondents No.2 & 3 herein not to dispossess the petitioners from the property situated in Sy.No. 18/1, bearing D.No.21/442 and not to interfere with the construction activity, by allowing the writ petition, by imposing the heavy costs on the respondents No.2 & 3 for illegal interference, and pass

Counsel for the Petitioner(S):

- 1.ESWARAIAH B

Counsel for the Respondent(S):

- 1.GP FOR REVENUE (AP)
- 2.SHAIK KARIMULLAH (SC FOR WAKF BOARD
RAYALASEEMA)
- 3.S ARIFULLAH (SC FOR AP WAQF BOARD)

The Court made the following:

THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO
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ORDER:-

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

“...to issue Writ of Mandamus declaring the action of the respondents in seeking to dispossess the petitioners from the possession of the property, situated in the Sy.No.18/1, comprising of the building bearing Municipal.D.No.21/442, situated in ward no.21, admeasuring 34 ft. from east to west and 26 ft. from north to south, equivalent to 114.08 Sq, kadapa town, purchased under registered sale deeds respectively Dt.1.3.2019 is illegal, arbitrary, unconstitutional, ultra vires, Violative Article 14, 21 and 300A of constitution of India and without any authority or sanction of law and consequently direct the respondent to resist from interfering with the possession, enjoyment of the property by the petitioners and such other order....”

2. Heard Sri B.Eswaraiah, learned counsel for petitioners and learned Assistant Government Pleader for Revenue for respondent No.1 and Learned Standing Counsel for respondent Nos.2 and 3.

3. It is asserted in the affidavit filed in support of the writ petition that petitioners 1 and 2 have purchased the property bearing Municipal D.No.21/442, comprising of building and land, situated in Sy.No.18/1, admeasuring 57.04 Sq.yards, for the value of consideration from vendors under the registered sale deed *vide* Document No.1674/2019, dated 01.03.2019. Similarly, petitioners 3 and 4 have also purchased another extent of land, from the vendors, bearing

D.No.21/442, situated in Sy.No.18/1, admeasuring an extent of 57.04 Sq.yards, for value of consideration, under registered sale deed *vide* Document No.1666/2019, dated 01.03.2019, at the Office of Sub Registrar, Kadapa. The petitioners' vendors had been in possession and enjoyment of said property, by virtue of registered gift settlement deed executed in their favor on 28.09.2001, executed by their Donor. The Donor of the said property had acquired the right, title and interest in the said property under the registered partition deed *vide* Document No.2957 of 1974, dated 20.06.1974. Thus the petitioners' vendors and their predecessors-in-title have been in possession and enjoyment of the said property for more than 45 years. Be that as it may, the respondents are trying to dispossess the petitioners without following due process of law.

4. Learned Standing Counsel for respondent Nos.2 and 3 filed counter-affidavit denying the averments made in the writ affidavit and contended that the petitioners cannot interfere with the statutory duties of the officials of the Waqf Board or public servants. The petitioners failed to mention on what date the alleged threat was given and it was suppressed to cover the latches in initiating appropriate action within time before the appropriate forum. There is no deprivation of Right to Property to attract Article 300A of the Constitution of India as asserted. The Revenue Divisional Officer in his letter dated 14.05.2018 informed to the District Collector that the subject property is not a private

property and that land in Sy.No.18 is classified as Gramakantam land for peerla service. Hence, learned counsel for respondents voiced that there is no merit in the writ petition.

5. Disputed question of fact emerges relating to the physical possession of the property in the present writ petition. This Court is not inclined to adjudicate upon the said issue, as it requires trial. However, on perusal of the affidavit filed in support of the writ petition and counter-affidavit, it *prima facie* reveals that the petitioners are in possession of the property.

6. Therefore, the present Writ Petition is disposed of, directing the respondents not to evict the petitioners without following due process of law, as contemplated under the Unified Waqf Management, Empowerment, Efficiency and Development, 1995. 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: 18.02.2026

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THE HON'BLE SRI JUSTICE TARLADA RAJASEKHAR RAO

WRIT PETITION No.15704 of 2019

Date: 18.02.2026

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