

APHC010342082024



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

[3328]

TUESDAY ,THE THIRTEENTH DAY OF AUGUST
TWO THOUSAND AND TWENTY FOUR

PRESENT

**THE HONOURABLE SRI JUSTICE GANNAMANENI RAMAKRISHNA
PRASAD**

WRIT PETITION NO: 17466/2024

Between:

1. GANDHAM RATNA KUMARI,, W/O. SRINIVASARAO, AGE 38 YEARS,
OCC HOUSE WIFE, R/O. 4-28, JAKKAMPUDI, VIJAYAWADA RURAL,
KRISHNA DISTRICT - 520012.
2. KHANIJAM SAMRAJYAM, W/O. SRINIVASARAO, AGE 49 YEARS,
OCC HOUSE WIFE, R/O. 4-20, JAKKAMPUDI, VIJAYAWADA RURAL,
KRISHNA DISTRICT - 520012.

...PETITIONER(S)

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL
SECRETARY, DEPARTMENT OF REVENUE DEPARTMENT
SECRETARIAT, VELAGAPUDI, AMARAVATHI, GUNTUR DISTRICT
2. THE DISTRICT COLLECTOR, NTR DISTRICT.
3. THE TAHASILDAR, VIJAYAWADA RURAL, VIJAYAWADA, NRT
DISTRICT.
4. THE JAKKAMPUDI GRAM PANCHAYAT, REP BY ITS PANCHAYAT
SECRETARY, VIJAYAWAADA RURAL, NTR DISTRICT.

...RESPONDENT(S):

Counsel for the Petitioner(S):

1. S BALA MOHAN RANGA

Counsel for the Respondent(S):

1. GP FOR REVENUE

The Court made the following:

ORDER:**I.A.No.2 of 2024 in W.P.No.17466 of 2024**

Heard Sri S. Bala Mohan Ranga, Learned Counsel for the Writ Petitioners and Sri K. Arjun Chowdhary, Learned Assistant Government Pleader for Revenue appearing for the Respondent Nos.1 to 3.

2. Having regard to the Affidavit filed in support of the Application, this Court deems it appropriate to allow this Application.
3. Accordingly, I.A.No.2 of 2024 is allowed.
4. The photographs are taken on record.

GANNAMANENI RAMAKRISHNA PRASAD, J

W.P.No.17466 of 2024

5. The objection raised by the Official Respondents vide the Impugned Endorsement dated 20.07.2024 (Ex.P.1) is to the effect that the Writ Petitioners have encroached an extent of about 2 cents in excess of the land which is allotted to them. Learned Counsel for the Writ Petitioners, on the directions of this Court, has filed I.A.No.2 of 2024 to place the photographs on record.

6. Sri K. Arjun Chowdhary, Learned Assistant Government Pleader for Revenue has submitted the Written Instruction furnished by the Tahsildar of Vijayawada Rural Mandal, dated 12.08.2024 which also indicates that the Writ Petitioners have made unauthorized encroachment to an extent of 2 cents of the Government land in addition to what was actually allotted to them on the northern side of the plots. Copy of the Written Instruction has been furnished to the Counsel for the Writ Petitioners as well. This Written Instruction dated 12.08.2024 is taken on record. This is stoutly denied by the Learned Counsel for the Writ Petitioners. At this stage, Sri K. Arjun Chowdhary, learned Assistant Government Pleader for Revenue has suggested that the fact-finding can be done by appointing an Advocate Commissioner.

7. This matter was directed to be called after one hour to enable the Learned Counsel for the Writ Petitioners to obtain instructions from his clients whether they are willing to cooperate with the Advocate Commissioner and also bear the expenditure. When the matter is called-out now, Learned Counsel for the Writ Petitioners, on instructions, submits that the Writ Petitioners are willing for appointment of Advocate Commissioner to verify the truth or otherwise of the encroachment of 2 cents of the land.

8. Sri M. Viswanath, who is present in the Court Hall today, on the request made by this Court, had accepted this assignment to visit the disputed cite as Advocate Commissioner. The Advocate Commissioner, with the assistance of the Mandal Surveyor, the Tahsildar and the Village Surveyor of Jakkampudi shall verify this fact. The Tahsildar (Respondent No.3), the Mandal Surveyor and the Village Surveyor of Jakkampudi are directed to assist the Learned Advocate Commissioner in making the assessment of such assignment which includes survey and taking measurements etc., The Learned Advocate Commissioner shall submit a Report in a sealed cover to this Court on or before 30.08.2024.

9. Writ Petitioners are directed to pay fee of Rs.15,000/- to Sri M. Viswanath, Learned Advocate Commissioner in advance. Let the fee be remitted into the account of the Advocate Commissioner on or before 16.08.2024. The Learned Advocate Commissioner is directed to issue notice to all the parties before undertaking the survey and measurements.

10. List the matter on 30.08.2024.

11. There shall be a direction to all the Parties to maintain *Status quo* obtaining as on today until the next listing.

GANNAMANENI RAMAKRISHNA PRASAD, J

Dt: 13.08.2024

Note: Issue C.C today,
B/o, Vns