

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 OF 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

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

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, direction, order or orders more particularly one in the nature of Writ of Mandamus, declaring the action of the Respondent No. 3 in issuing notice in form no.7 vide RGB No. 558/2024 dated 20- 07-2024 directing the petitioners to vacate and handover the land measuring the land Ac. 0.02 cents in SY No. 270/4 of Jakkampudi Village, Vijayawada rural, NTR District as bad illegal, arbitrary, unlawful, without jurisdiction , absurd and violation of Article 14, 21 and 300 A of Constitution Of India and set aside the

same. consequently pleased to Stay all further proceedings of notice vide RGB No. 558/2024 dated 20-07-2024 issued by the 3rd Respondent and direct the Respondents not to interfere with the peaceful possession and enjoyment of the Petitioners property land admeasuring Ac 0.02 cents (Ac. 0.01 cents each). Sy no./LMP NO. 88, 270/5, 270/6, 270/7, 270/8, Layout no. Jakkampudi 2, House Flat no. 55 and 58, D. No. 1-120/59, of Jakkampudi village, Vijayawada rural, NTR District.

IA NO: 1 OF 2024

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 Stay all further proceedings of notice vide RCB No. 558/2024 dated 20-07-2024 issued by the 3rd Respondent and direct the Respondents not to interfere with the peaceful possession and enjoyment of the Petitioners property land admeasuring Ac 0.02 cents (Ac. 0.01cents each). Sy no./LMP NO. 88, 270/5, 270/6, 270/7, 270/8, Layout no. Jakkampudi 2, Fiat no. 55 and 58, D. No. 1-120/59 of Jakkampudi village, Vijayawada rural, NTR District, Pending disposal of WP 17466 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 upon hearing the arguments of Sri S BALA MOHAN RANGA Advocate for the Petitioner and of GP FOR REVENUE for the Respondent Nos. 1 to 3, the Court made the following.

ORDER

“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."

Sd/- K. J. RAJA BABU
ASSISTANT REGISTRAR

//TRUE COPY//

For


SECTION OFFICER

To,

1. The Principal Secretary, The State of Andhra Pradesh, Revenue Department, Secretariat, Velagapudi, Amaravathi, Guntur District.
2. The District Collector, NTR District.
3. The Tahasildar, Vijayawada Rural, Vijayawada, NTR District.
4. The Panchayat Secretary, Jakkampudi Gram Panchayat, Vijayawada Rural, NTR District.
5. The Mandal Surveyor, Jakkampudi, Vijayawada Rural, NTR District.
6. The Village Surveyor, Jakkampudi, Vijayawada Rural, NTR District. (Addresses 1 to 6 By SPECIAL MESSENGER)
7. One CC to SRI. S BALA MOHAN RANGA Advocate [OPUC]
8. One CC to SRI. M VISWANATH, Advocate [OPUC]
9. Two CCs to GP FOR REVENUE, High Court Of Andhra Pradesh. [OUT]
10. One spare copy

HIGH COURT

GRKP,J

DATED:13/08/2024

LIST ON 30.08.2024

ORDER

WP.No.17466 of 2024

DIRECTION

