

[3329]



**(SHOW CAUSE NOTICE BEFORE ADMISSION)
IN THE HIGH COURT OF ANDHRA PRADESH: AT AMARAVATI**

(Special Original Jurisdiction)

**TUESDAY, THE FIRST DAY OF OCTOBER
TWO THOUSAND AND TWENTY FOUR**

:PRESENT:

**THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA
WRIT PETITION NO: 22266 OF 2024**

Between:

1. Sri Podeti Venkatesu, S/o Mahalakshmodu, Male, aged about 47 years, Agriculture, R/o D.No.11-11, Rudrakotarajugudem, T.Narasapuram Mandal, Chintalapudi, Eluru District (Erstwhile W.G.District)
2. Sri Podeti Pullayya, S/o Mahalakshmodu, Male, aged about 48 years. Agriculture, R/o D.No.11-12, Rudrakotarajugudem, T.Narasapuram Mandal, Chintalapudi, Eluru District (Erstwhile W.G.District)
3. Smt. Podeti Mahalakshmi, W/o Mahalakshmodu, Female, aged about 70 years, R/o D.No.11-10, Rudrakotarajugudem, T.Narasapuram Mandal, Chintalapudi, Eluru District (Erstwhile W.G.District)

Petitioners

AND

1. The State of Andhra Pradesh, Rep.by its Principal Secretary, Revenue Department, Secretariat, Velagapudi, Amaravati.
2. The District Collector, Eluru District (Erstwhile W.G.District), Collectrate Compound, Eluru.
3. The Joint Collector, Collectrate Compound, Eluru, Eluru District (Erstwhile W.G.District).
4. The Revenue Divisional Officer, Jangareddigudem Division, Jangareddigudem, Eluru District (Erstwhile W.G.District)

5. The Tahsildar, T.Narasapuram Mandal, T.Narasapuram, Eluru District (Erstwhile W.G.District) .
6. The Station House Officer, T.Narasapuram P.S., T.Narasapuram Mandal, Eluru District.
7. Sri Podeti Venkateswara Rao, S/o Subbayya, Male, aged about 50 years. Agriculture R/oD.No.11-21, Rudrakotarajugudem, T.Narasapuram Mandal, Chintalapudi, Eluru District (Erstwhile W.G.District)

Respondents

WHEREAS the Petitioners above named through their Advocate SRI.C.VENKAIAH 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 pleased to issue an appropriate writ, order or direction, more particularly one in the nature of writ of mandamus under Article 226 of Constitution of India declaring the acts of the respondents particularly 5th respondent-Tahsildar, with the aid of 6th respondent in insisting petitioners to vacate from their landed property of Ac. 1-97½ cents, bearing Survey No.803/5 of Rudrakotarajugudem Village, T.Narasapuram Mandal, Eluru District by issuing proceedings. Dated 30.07.2024 unilaterally while the civil suit in OS.No.65/2021 filed by 7th respondent against petitioners for declaration of title and possession of subject property and other civil proceedings are pending on the file of Civil Judge, Junior Division, Chintalapudi as illegal, irregular, irrational, violative of principles of natural justice, without jurisdiction and violation of Articles 14, 21 and 300-A of Constitution of India and consequently direct the respondents not to interfere in any manner with petitioners peaceful possession and enjoyment of their said land in the interest of justice.

AND WHEREAS the High Court upon perusing the petition and affidavit filed herein and upon hearing the arguments of Sri.C.Venkaiah Advocate for the Petitioners, Government Pleader for Revenue for Respondent Nos.1 to 5 and Government Pleader for Home for Respondent No.6, directed issue of notice to the Respondents herein **returnable in four (04) weeks** to show cause as to why this WRIT PETITION should not be admitted.

You viz:

1. The Principal Secretary, Revenue Department, State of Andhra Pradesh, Secretariat, Velagapudi, Amaravati.
2. The District Collector, Eluru District (Erstwhile W.G.District), Collectrate Compound, Eluru.
3. The Joint Collector, Collectrate Compound, Eluru, Eluru District (Erstwhile W.G.District).
4. The Revenue Divisional Officer, Jangareddigudem Division, Jangareddigudem, Eluru District (Erstwhile W.G.District)
5. The Tahsildar, T.Narasapuram Mandal, T.Narasapuram, Eluru District (Erstwhile W.G.District).
6. The Station House Officer, T.Narasapuram P.S., T.Narasapuram Mandal, Eluru District.
7. Sri Podeti Venkateswara Rao, S/o Subbayya, Agriculture R/oD.No.11-21, Rudrakotarajugudem, T.Narasapuram Mandal, Chintalapudi, Eluru District (Erstwhile W.G.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 within four (04) weeks on which date the case stands posted for hearing.

IA NO: 1 OF 2024

Petition under Section 151 CPC is filed praying that in the circumstances stated in the affidavit filed in support of the writ petition, the High Court may be pleased to direct the respondents not to interfere in any manner with petitioners' possession and enjoyment over their land with cashew fruit bearing trees in respect of subject land to an extent of Ac. 1-97½ cents, bearing Survey No.803/5 of Rudrakotarajugudem Village, T.Narasapuram Mandal, Eluru District, which stands in the name of petitioners' father Mahalakshmudu, pending disposal of the Writ Petition No. 22266 of 2024, on the file of the High Court.

THE COURT MADE THE FOLLOWING ORDER:

"Notice before admission returnable in four (04) weeks.

Heard learned counsel for the petitioners and learned Government Pleader for the Respondents.

There shall be an interim direction, directing the Respondents more particularly Respondent Nos.5 to 7 not to interfere in any manner with the subject property of the petitioners, for a period of four weeks.

For filing counter affidavit by the Respondents, post the matter after four weeks."

**SD/-B.CHITTI JOSEPH
ASSISTANT REGISTRAR**

//TRUE COPY//


For ASSISTANT REGISTRAR

To,

1. The Principal Secretary, Revenue Department, State of Andhra Pradesh, Secretariat, Velagapudi, Amaravati.(by Special Messenger)
2. The District Collector, Eluru District (Erstwhile W.G.District), Collectrate Compound, Eluru.
3. The Joint Collector, Collectrate Compound, Eluru, Eluru District (Erstwhile W.G.District).
4. The Revenue Divisional Officer, Jangareddigudem Division, Jangareddigudem, Eluru District (Erstwhile W.G.District)
5. The Tahsildar, T.Narasapuram Mandal, T.Narasapuram, Eluru District (Erstwhile W.G.District).
6. The Station House Officer, T.Narasapuram P.S., T.Narasapuram Mandal, Eluru District.
7. Sri Podeti Venkateswara Rao, S/o Subbayya, Agriculture R/oD.No.11-21, Rudrakotarajugudem, T.Narasapuram Mandal, Chintalapudi, Eluru District (Erstwhile W.G.District) (2 to 7 by RPAD- along with a copy of petition and affidavit)
8. One CC to SRI.C.VENKAIAH Advocate [OPUC]
9. Two CCs to GP FOR REVENUE, High Court of Andhra Pradesh. [OUT]
10. Two CCs to GP for Home, High Court of Andhra Pradesh. [OUT]
11. One spare copy

SRL

HIGH COURT

NV,J

DATED:01/10/2024

NOTE: POST THE MATTER AFTER FOUR WEEKS

NOTICE BEFORE ADMISSION

WP.No.22266 of 2024

INTERIM DIRECTION

