

**IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)**

**MONDAY, THE TENTH DAY OF NOVEMBER,
TWO THOUSAND AND TWENTY FIVE**

:PRESENT:

THE HONOURABLE SMT JUSTICE V.SUJATHA

WRIT PETITION NO: 22488 OF 2025



Between:

1. Nagari Subbamma, W/o Srinivasulu, Aged about 71 years, R/o D.No.1/232, Idamadaka Village and Panchayat, Duvvur Mandal, Jamalamadugu Revenue Division, YSR Kadapa District.
2. Nagari Subhashini, W/o Nagari Sreekanth, Aged about 42 years, R/o D.No.1/232, Idamadaka Village and Panchayat, Duvvur Mandal, Jamalamadugu Revenue Division, YSR Kadapa District.

...Petitioner

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary, Irrigation and Command Area Development Department, Secretariat, Amaravati, Guntur District.
2. The State of Andhra Pradesh, Rep. by its Principal Secretary, Panchayat Raj Department, Secretariat, Amaravathi, Guntur District.
3. The State of Andhra Pradesh, Rep. by its Principal Secretary, Revenue Department, Secretariat, Amaravathi, Guntur District.
4. The State of Andhra Pradesh, Rep. by its Principal Secretary, Home Department, Secretariat, Amaravathi, Guntur District.
5. The District Collector, YSR Kadapa District, Collectorate Buildings, YSR Kadapa District.
6. The Joint Collector, Y.S.R.Kadapa District, Collectorate Buildings, YSR Kadapa District.
7. The Revenue Divisional Officer, Jammalamadugu, YSR Kadapa District.

8. The Tahsildar, Duvvur Mandal, Jammalamadugu, YSR Kadapa District.
9. The District Panchayat Officer, YSR Kadapa District.
10. The Divisional Panchayat Officer, Duvvur Mandal, Jammalamadugu Division, YSR Kadapa District.
11. The Idamadaka Gram Panchayat, Duvvur Mandal, YSR Kadapa District, Rep. by its Panchayat Secretary.
12. The Assistant Engineer, KC Canal Section, Rajoli, YSR Kadapa District.
13. The Manday Surveyor, Duvvar Mandal, YSR Kadapa District.
14. The Mandal Revenue Inspector, Duvvar Mandal, YSR Kadapa District.
15. The Mandal Supervisor, Idamadaka Village, Duvvar Mandal, YSR Kadapa District.
16. The Superintendent of Police, Duvvar Mandal, YSR Kadapa District.
17. The Circle Inspector, Idamadaka Village, Duvvar Mandal, YSR Kadapa District.
18. The Station House Officer, Idamadaka Village, Duvvar Mandal, YSR Kadapa District.

...Respondents

Petition under Article 226 of the Constitution of India is filed praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ, order or direction declaring

a) The Proceedings vide bearing No.D.Dis(E3)/LEA/37/2025 dated 04.08.2025 (Received on 12.08.2025 at 4:20 PM) issued by the Respondent No.6 as *dehors* jurisdiction, *per se* illegal, manifestly arbitrary, unreasonable and violative of Articles 14, 19, 21 and 300-A of the Constitution of India and in utter violation of Principles of Natural Justice besides being contrary to the provisions contemplated under Andhra Pradesh Land Encroachment Act, Andhra Pradesh Panchayat Raj Act, Andhra Pradesh Survey and Boundaries Act and Rules made thereunder; and

b) The consequential action of Respondents in demolishing and threatening to dispossess the Petitioners from property inclusive of house

structure admeasuring Ac.0.04 1/3 Cts in Sy.No.621 (Old Sy.No.69) and Ac.0.03 Cts in Sy.No.621 (Old Sy.No.69) situated at Idamakada Village, Duvvur Mandal, YSR Kadapa District with boundaries: East: Highway Road, West: KC Bunglow, North: Open land, South: KC Canal and Service Connection No.2611213000203 (APCPDCL) as *dehors* jurisdiction and *ultra vires* the vested powers, *per se* illegal, manifestly arbitrary, vindictive, preposterous, reprehensible, unjust, irrational, whimsical and violative of Articles 14, 19, 21 and 300-A of the Constitution of India and in utter violation of Principles of Natural Justice besides being contrary to the provisions contemplated under Andhra Pradesh Land Encroachment Act, Andhra Pradesh Panchayat Raj Act, Andhra Pradesh Survey and Boundaries Act and Rules made thereunder; and

c) To consequently direct the Respondents not to dispossess the Petitioners from property inclusive of house structure admeasuring Ac.0.04 1/3 Cts in Sy.No.621 (Old Sy.No.69) and Ac.0.03 Cts in Sy.No.621 (Old Sy.No.69) situated at Idamakada Village, Duvvur Mandal, YSR Kadapa District with boundaries: East: Highway Road, West: KC Bunglow, North: Open land, South: KC Canal and Service Connection No.2611213000203 (APCPDCL); and

d) To consequently direct the Respondents to pay damages of Rs.5,00,000/- as compensation towards the loss sustained by the Petitioners against the illegal and unauthorized action of Respondents in demolishing house structure in property admeasuring Ac.0.04 1/3 Cts in Sy.No.621 (Old Sy.No.69) and Ac.0.03 Cts in Sy.No.621 (Old Sy.No.69) situated at Idamakada Village, Duvvur Mandal, YSR Kadapa District with boundaries: East: Highway Road, West: KC Bunglow, North: Open land, South: KC Canal and Service Connection No.2611213000203 (APCPDCL);

IA NO: 1 OF 2025

Petition under Section 151 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 desist the Respondents from dispossessing the

Petitioners from property inclusive of house structure admeasuring Ac.0.04 1/3 Cts in Sy.No.621 (Old Sy.No.69) and Ac.0.03 Cts in Sy.No.621 (Old Sy.No.69) situated at Idamakada Village, Duvvur Mandal, YSR Kadapa District with boundaries: East: Highway Road, West: KC Bungalow, North: Open land, South: KC Canal and Service Connection No.2611213000203 (APCPDCL), pending disposal of WP 22488 of 2025, 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 the order of the High Court dated 22.08.2025 made herein and upon hearing the arguments of Sri A.S.K.S.Bhargav, Advocate for the Petitioners and of GP for Irrigation for Respondent Nos. 1 and 12 and of GP for Panchayat Raj for Respondent Nos. 2 and 9 and of GP for Revenue for Respondent Nos. 3, 5 to 8, 13 and 15 and of GP for Home for Respondent Nos.4, 16 to 18, the Court made the following

ORDER:

“The petitioners have been in possession of an extent of Ac.0.04 1/3 cents in Sy.No.69 situated in Idamakada Village, Duvvur Mandal, YSR Kadapa District since 1992, wherein they constructed a house structure comprising of Dhaba hotel and two rooms in the said property. The petitioners have also secured electricity connection, water connection and have been in uninterrupted peaceful possession and enjoyment of the said property. Upon considering the continuous possession and enjoyment, respondent No.7 has granted possession certificate dated 21.01.2008 titled as “Anubandamu” to the petitioners. Since then, the petitioners are paying house tax.

While things stood thus, in the month of September, 2024, when respondent Nos.5 to 8 and 11 tried to dispossess the petitioners from the subject land on the pretext that the property is situated in Sy.No.621 instead of Sy.No.69 and that the property in Sy.No.621 belongs to the Irrigation department, the petitioners filed W.P.No.20287 of 2024, which was disposed of by this Court on 13.09.2024 directing the respondents

to follow due process of law, if they otherwise intended to interfere with the petitioners' peaceful possession and enjoyment.

Pursuant thereto, respondent No.11 has issued notice to petitioner No.1's son, who is the husband of petitioner No.2 to remove the petitioners' house structure within 7 days as per G.O.Ms.No.188 dated 21.07.2011 on the pretext that the subject property is belonging to the Gram Panchayat. As such the petitioners submitted representation dated 25.10.2024 to the respondents informing that they have not encroached any Government land or irrigation channel and they have been in peaceful possession and enjoyment of the subject land in pursuance of the possession certificate dated 21.01.2008 titled as "Anubandamu" issued by respondent No.7.. Due to continuous attempts made by the respondents to dispossess the petitioners by hook or crook, the petitioners were once again constrained to file another W.P.No.24888 of 2024, which was also disposed of by this Court vide orders dated 25.10.2024 directing the respondents not to take any coercive steps till the disposal of representation dated 25.10.2024 submitted by the petitioners.

Thereafter, the petitioners preferred another representation to the respondents enclosing all the relevant documents to prove their title and possession over the subject land. Thereafter, respondent No.8 has issued proceedings vide Ref.No.A/192/2024 dated 15.03.2025 directing the petitioners to vacate the land to an extent of Ac.0.05 cents in Sy.No.621/1 of Idamadaka Village, Duvvur Mandal within 48 hours from the date of receipt of the order. Aggrieved by the same, the petitioner has preferred an appeal under Section 10 of the A.P.Land Encroachment Act, 1905 before respondent No.6, wherein respondent No.6 passed orders dated 04.08.2025, which are impugned in the present writ petition, holding that the petitioners have encroached Government K.C.Canal Poramboke (water-body) land and that the documents produced by the petitioners cannot confer title over Government land (water body) duly

confirming the order passed by respondent No.8. Challenging the same, the present writ petition is filed.

When the writ petition came up for hearing on 22.08.2025, this Court passed the following interim order:

"Post the matter after four (4) weeks.

Till such time, both parties are directed to maintain status quo as on today. It is needless to say that the petitioners are at liberty to prefer revision before appropriate authority challenging the impugned order dated 04.08.2025."

Respondent No.6 has filed counter affidavit duly stating that as per the R.S.R., the old survey numbers noted against the Sy.No.621, extent Ac.4.32 cents are 99/1, 1/3, 101 A, 105, 196, 501. From this, it is clear that the old Sy.No.69 specified by the petitioners does not find place in the R.S.R. against Sy.No.621 and that the subject land in Sy.No.621/1 is a Government K.C. Canal poramboke (Water Course) land and the petitioners constructed Dhaba by occupying part of the subject land in Sy.No.621/1. Further, the Anubandham certificates produced by the petitioners are related to Sy.No.69, but not Sy.No.621/1. Both the Sy.No.69 and 621 are different and independent survey numbers situated far way from each other. Both these Sy.No.69 and 621 are water course porambokes of K.C.Canal.

In view of the disputed facts as to whether the petitioners are in possession of land in Sy.No.69 or Sy.No.621, and as to whether it is private land or water course poramboke of K.C.Canal, and also considering the fact that the official respondents passed the impugned order even without issuing notice to the petitioners, this Court feels it appropriate to direct the respondents to conduct fresh survey with the help of Mandal Surveyor in the presence of the petitioners and Advocate Commissioner to be appointed by this Court today, duly intimating the date and time of the survey to the petitioners and Advocate Commissioner.

Learned counsel for the petitioners and learned Government Pleader for Revenue agreed for appointment of an Advocate Commissioner and gave undertaking that, both will bear the expenses towards the Advocate Commissioner fee and other incidental expenses equally.

Accordingly, the Advocate Commissioner is appointed with the following directions:

- (i) Ms. Thota Suneetha, Advocate (8107), (Mobile: 9676814124) is appointed as an Advocate Commissioner.
- (ii) Respondents shall conduct fresh survey on any Saturday before 10.12.2025 in the presence of the petitioners and Advocate Commissioner duly intimating the date and time of the survey.
- (iii) At the time of survey, the Advocate Commissioner shall verify and note down whether the petitioners are in possession of land in Sy.No.69 or Sy.No.621 with the help of Mandal Surveyor?
- (iv) Learned Advocate Commissioner shall execute this warrant on or before 10.12.2025, after giving prior notice to the petitioners and respondents.
- (v) Learned Advocate Commissioner shall submit her report before the next date of hearing;
- (vi) Learned Advocate Commissioner's fee is fixed at Rs.30,000/- (Rupees Thirty Thousands only) to be paid by the petitioners and Revenue Department, equally;
- (vii) The petitioners and Revenue Department have to bear all other incidental expenses to be incurred by the learned Advocate Commissioner.
- (viii) Registry is directed to serve copy of this order to the learned Advocate Commissioner by 12.11.2025.

List the matter on 17.12.2025.

Interim order granted earlier shall continue till the final disposal of the present writ petition."

///TRUE COPY//

SD/-U.SRI DEVI
DEPUTY REGISTRAR
SECTION OFFICER

To,

1. The Principal Secretary, Irrigation and Command Area Development Department, State of Andhra Pradesh, Secretariat, Amaravati, Guntur District.
2. The Principal Secretary, Panchayat Raj Department, State of Andhra Pradesh, Secretariat, Amaravathi, Guntur District.
3. The Principal Secretary, Revenue Department, State of Andhra Pradesh, Secretariat, Amaravathi, Guntur District.
4. The Principal Secretary, Home Department, State of Andhra Pradesh, Secretariat, Amaravathi, Guntur District.
5. The District Collector, YSR Kadapa District, Collectorate Buildings, YSR Kadapa District.
6. The Joint Collector, Y.S.R:Kadapa District, Collectorate Buildings, YSR Kadapa District.
7. The Revenue Divisional Officer, Jammalamadugu, YSR Kadapa District.
8. The Tahsildar, Duvvur Mandal, Jammalamadugu, YSR Kadapa District.
9. The District Panchayat Officer, YSR Kadapa District.
10. The Divisional Panchayat Officer, Duvvur Mandal, Jammalamadugu Division, YSR Kadapa District.
11. The Panchayat Secretary, Idamadaka Gram Panchayat, Duvvur Mandal, YSR Kadapa District.
12. The Assistant Engineer, KC Canal Section, Rajoli, YSR Kadapa District.
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15. The Mandal Supervisor, Idamadaka Village, Duvvar Mandal, YSR Kadapa District.
16. The Superintendent of Police, Duvvar Mandal, YSR Kadapa District.
17. The Circle Inspector, Idamadaka Village, Duvvar Mandal, YSR Kadapa District.
18. The Station House Officer, Idamadaka Village, Duvvar Mandal, YSR Kadapa District. (Addressee Nos. 1 to 18 by RPAD)
19. One CC to Ms. Thota Suneetha, Advocate(8107) Mobile: 9676814124[by **SPECIAL MESSENGER**]
20. One CC to Sri A.S.K.S.BHARGAV, Advocate [OPUC]
21. Two CCs to GP FOR IRRIGATION, High Court of Andhra Pradesh. [OUT]
22. Two CCs to GP FOR PANCHAYAT RAJ, High Court of Andhra Pradesh. [OUT]
23. Two CCs to GP FOR REVENUE, High Court of Andhra Pradesh. [OUT]
24. Two CCs to GP FOR HOME, High Court of Andhra Pradesh. [OUT]
25. One spare copy.

PSD

HIGH COURT

VS,J

DATE:10/11/2025

NOTE: LIST THE MATTER ON 17.12.2025

ORDER

WP.No.22488 of 2025

DIRECTION

