



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

[3332]

**TUESDAY, THE SIXTEENTH DAY OF JUNE
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

WRIT PETITION NO: 24926/2023

Between:

- 1.KUNJA KANAIAH,, S/O SIRAMAIAH, AGED- 60 YEARS, R/O VEPULAPADU VILLAGE, KORASAVARI GUDDEM POST, BUTTAYAGUDEM MANDAL, ELURU (ERSTWHILE WEST GODAVARI) DISTRICT.
- 2.KUNJA DURGA RAO,, S/O SIRAMAIAH. AGED- 45 YEARS, R/O THURPU REGULA KUNTA VILLAGE, BUTTAYAGUDEM MANDAL, ELURU (ERSTWHILE WEST GODAVARI) DISTRICT.

...PETITIONER(S)

AND

- 1.THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, DEPARTMENT OF REVENUE, SECRETARIAT, VELAGAPUDI, AMARAVATI, GUNTUR DISTRICT.
- 2.THE DISTRICT COLLECTOR, ELURU (ERSTWHILE WEST GODAVARI) DISTRICT
- 3.THE REVENUE DIVISIONAL OFFICER, JANGAREDDIGUDEM, ELURU (ERSTWHILE WEST GODAVARI) DISTRICT
- 4.THE TAHSILDAR, BUTTAIGUDEM MANDAL, ELURU (ERSTWHILE WEST GODAVARI) DISTRICT
- 5.THE STATION HOUSE OFFICER, BUTTAIGUDEM POLICE STATION, ELURU (ERSTWHILE WEST GODAVARI) DISTRICT
- 6.THAMA PEDDA KANNAIAH, S/O BONDU, AGED - 65 YRS, R/O

YERRAIGUDEM VILLAGE, ALUVERU POST, BUTTAIGUDEM
MANDAL, ELURU (ERSTWHILE WEST GODAVARI) DISTRICT.

7.THAMA PENTAYYA, S/O BONDU, AGED - 60 YRS, R/O
YERRAIGUDEM VILLAGE, ALUVERU POST, BUTTAIGUDEM
MANDAL, ELURU (ERSTWHILE WEST GODAVARI) DISTRICT.

...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 topleased to issue an appropriate writ. order or direction more particularly one in the nature of Writ of Mandamus declaring the inaction on the part of the respondents particularly the 4th respondent herein in not considering the representation dated 11/08/2023 submitted by the petitioners to provide necessary protection to cultivate their agricultural land situated in an extent of Ac.4.10 Cents in Survey No.117/2 of Aleveru Revenue Village, Buttaigudem Mandal, Eluru (Erstwhile West Godavari) District, by taking necessary action against the respondents 6 and 7 herein, as illegal, arbitrary, mala-fide and against the principles of Natural Justice besides violation of constitutional guarantees as provided under the Constitution of India and to consequently direct the respondents to provide necessary protection to the above said property and lives of the petitioners in the hands of the respondents 6 and 7 herein, in the interest of justice

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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 topleased to direct the respondents to give necessary protection to the existing crop in the lands of petitioners situated in an extent of Ac.4.10 Cents in Survey No.117/2 of Aleveru Revenue Village, Buttaigudem Mandal, Eluru (Erstwhile West Godavari) District and to their lives in the hands of the respondents 6 to 7 herein in the interest of justice, pending disposal of Writ Petition

Counsel for the Petitioner(S):

1.K JYOTHI PRASAD

Counsel for the Respondent(S):

1.GP FOR REVENUE

2.V V N NARASIMHAM

The Court made the following Order:

Aggrieved by the inaction on the part of respondent No.4/Tahsildar herein, in considering the representation dated 11.08.2023 submitted by the petitioners seeking protection to cultivate their agricultural land situated in an extent of Ac.4.10 cents in Survey No.117/2 of Aleveru Revenue Village, Buttaigudem Mandal, Eluru District, the present writ petition is filed.

2. Heard Mr. K.Jyothi Prasad, learned counsel for the petitioners and Mr. B.Venkata Satyanarayana, learned Assistant Government Pleader for revenue and Mr. V.V.N.Narasimham, learned counsel for unofficial respondents.

3. Learned counsel for the petitioners contended that the subject property belongs to the petitioners which fell to their share in a partition and their names were mutated in the revenue records. It is contended by learned counsel for the petitioner that petitioners are in lawful possession, having right and title and are in enjoyment of the same. While so, unofficial respondent Nos.6 and 7 are causing hurdles and interfering with their possession, and their agricultural activities. In the said circumstances, the petitioners submitted a representation dated 11.08.2023 to the Tahsildar seeking protection to carry out agricultural activities. Despite the same, no action has been initiated. It would suffice for the time being, if a direction is given to the respondents to pass appropriate orders on the petitioners' representation.

4. On the other hand, learned Assistant Government Pleader, on written instructions, contended that respondent No.4 has already issued an

endorsement dated 11.12.2023 on the petitioner's representation. He would further submit that the petitioner has come to this Court with unclean hands and in fact, they are in possession of the subject property contrary to the provisions of the Assignment of Land (POT) Act, 1977, as such the writ petition is not maintainable and the same is liable to be dismissed.

5. Learned counsel for respondent Nos.6 and 7, while drawing the attention of this Court to the counter-affidavit filed on their behalf, submits that the petitioners have not proved their ownership or lawful possession over the subject matter property i.e., Ac.4.10 cents in Survey No.117/2. The said land was assigned to Tama Bondu, who is the father of respondent Nos.6 and 7 in 1988 and after his death, patta was transferred to his three sons, including respondent Nos.6 and 7 and they are in continuous possession and are cultivating their land since assignment. Learned counsel further states that petitioners got mutated revenue records unlawfully and obtained entries without any notice to them and requests this Court to dismiss the petition.

6. In reply, learned counsel for the petitioner submits that even as per the report of the Mandal Surveyor dated 27.05.2023, that petitioners are in possession of the property and accordingly, prayed to allow the petition.

7. Perused the record and considered the submissions.

8. As could be culled out from the facts and circumstances and the submissions made by their respective counsel, there exists a serious civil disputes with regard to the title and possession over the subject property

between the petitioners and unofficial respondent Nos.6 and 7. Such disputed questions of fact cannot be adjudicated in the proceedings under Article 226 of Constitution of India. In the event of any alleged interference with possession or dispute regarding title, the parties are required to approach the competent Civil Court for appropriate relief and cannot seek adjudication of such civil disputes before the Revenue Authorities or in the present petition.

9. In view of the above, this Court is not inclined to grant any relief as sought for in the present writ petition. However, liberty is granted to the petitioners to approach the competent Civil Court and work out their remedies in accordance with law.

10. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs. Pending miscellaneous applications, if any, shall stand closed.

JUSTICE RAVI CHEEMALAPATI

Date:16.06.2026
Ksj