

APHC010505372025



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

[3332]

WEDNESDAY, THE TENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

WRIT PETITION NO: 25923/2025

Between:

1. GHANTASALA VENKATESWARA RAO, S/O TIRUPATHI RAO, AGED ABOUT 55 YEARS, COOLIE, RESIDENT OF DOOR NO.6-114A, PRATHIKOLLA LANKA, ELURU RURAL MANDAL, ELURU DISTRICT, AP-534004.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REPRESENTED BY ITS PRINCIPAL SECRETARY, SECRETARIAT BUILDING, PANCHAYATHRAJ DEPARTMENT, VELAGAPUDI, AMARAVATHI, GUNTUR DISTRICT, ANDHRA PRADESH.
2. THE DISTRICT COLLECTOR, ELURU DISTRICT AT ELURU, ELURU DISTRICT, ANDHRA PRADESH.
3. THE MANDAL REVENUE OFFICER, ELURU RURAL MANDAL, ELURU DISTRICT, ANDHRA PRADESH.
4. THE MANDAL PARISHAD DEVELOPMENT OFFICER, ELURU RURAL MANDAL, ELURU DISTRICT, ANDHRA PRADESH.
5. THE PRATHIKOLLALLANKA GRAM PANCHAYATH, , PRATHIKOLLANKA VILLAGE, ELURU RURAL MANDAL, ELURU DISTRICT, ANDHRA PRADESH REPRESENTED BY ITS SECRETARY.
6. MUNGARA JAYARAJU, S/O LATE VENKATESWARA RAO, AGED ABOUT 55 YEARS. FARMER, PRATHIKOLLALANKA VILLAGE, ELURU RURAL MANDAL, ELURU DISTRICT, AP.

7.MUNGARA DHARMAVATHI, W/O JAYARAJU, AGED ABOUT 45 YEARS. HOUSE MAKER, PRATHIKOLLALANKA VILLAGE, ELURU RURAL MANDAL, ELURU DISTRICT, AP.

...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 a writ or order or direction more particularly one in the nature of writ of mandamus declaring the action of the respondents more particularly the respondents 3 to 5 herein in not taking action against the respondents 6 and 7 herein in constructing the construction by removing the Thatched House of the petitionerand also by encroaching the D-Patta House Site issued in favour of the Petitioner in Patta in Re.No. 117/2010 (B), Dated 18.03.2010, in survey number 172 in an extent of 120 Square Yards, within the Boundaries mentioned in the patta without having possession over the house site and also without permissions from the respondent authority as illegal, arbitrary and also oppose to Article 300-A of the constitution of India, consequentially direct the respondents more particularly the respondents particularly the respondents 3 to 5 herein to take action against the respondents 6 and 7 herein as per the proceedings of the 4th respondent in RC No. A2/68/2025 Dated 01.08.2025 by removing the encroachments in the House site patta of the petitioner in Re.No.117/2010 (B), Dated 18.03.2010, in survey number 172 in an extent of 120 Square Yards by directing the 5th respondent to stall the construction activity and to pass

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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 pleased to direct the respondents more particularly the respondents particularly the respondents 3 to 5 herein to take action against the respondents 6 and 7 herein as per the proceedings of the 4th respondent in RC No. A2/68/2025 Dated: 01.08.2025 by removing the encroachments in the House site patta of the petitioner in Re.No.117/2010 [B], Dated: 18.03.2010, in survey number 172 in an extent of 120 Square Yards by directing the 5th respondent to stall the construction activity pending disposal of the above writ petition and to pass

Counsel for the Petitioner:

1.V SAI KUMAR

Counsel for the Respondent(S):

1. GP FOR PANCHAYAT RAJ RURAL DEV
2. GP FOR REVENUE
3. Yarraguntla.KoteswaraRao, Standing Counsel For
ZillaPrajaParishads, MandalPrajaParishads and Gra

The Court made the following:

ORDER

Questioning inaction of respondent nos. 3 to 5 in taking action against respondent nos. 6 and 7 in making construction by removing the thatched house of the petitioner and also encroaching the house site issued in favour of the petitioner vide Patta in Re.No.117/2010(B), dated 18.03.2010 in Survey No.172 in an extent of 120 Sq.yards.

2. Sri V.Sai Kumar, learned counsel for the petitioner, placed heavy reliance on the communication sent by Mandal Parishad Development Officer to the Tahsildar, which would only show that there is a dispute regarding title to the subject property between the petitioner and unofficial respondent nos. 6 and 7.

3. The written instructions place on record by the learned Standing Counsel show that the petitioner and unofficial respondents are claiming title over the subject property by virtue of two different D-form Pattas and unofficial respondents are in possession of the property and they are paying electricity consumption charges.

4. This Court while exercising jurisdiction under Article 226 of the Constitution cannot go into disputed questions regarding title to the property and the parties have to approach competent civil Court for adjudication of the dispute by instituting appropriate proceedings.

5. In view of the above, this Writ Petition is disposed of, relegating the petitioner to civil Court for redressal of his grievance regarding title to the property. However, the Revenue authorities are not precluded from deciding genuineness of the pattas claimed by the parties. There shall be no order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

DATED 10TH DAY OF DECEMBER, 2025

JUSTICE RAVI CHEEMALAPATI
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