



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



MONDAY, THE FOURTH DAY OF AUGUST
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA

WRIT PETITION NO: 30707 OF 2021

Between:

Sanghamreddy Malleswarao, S/o. Appa Rao, Aged 49 years, R/o.D.No.20-2-3, Beside Community Hall, Deccada Street, Paindora dorapet, Chengal Rao Post, Visakhapatnam city, Visakhapatnam District.

...Petitioner

AND

1. State of Andhra Pradesh, Rep.by its Principal Secretary to Government, Home Department, Secretariat, Velagapudi, Amaravati, Guntur District.
2. Director General of Police, State of Andhra Pradesh, Mangalagiri.
3. The Commissioner of Police, Visakhapatnam city, Visakhapatnam District.
4. Deputy Commissioner of Police, Visakhapatnam City, Visakhapatnam District.
5. Assistant Commissioner of Police, Dwaraka Division, Visakhapatnam City, Visakhapatnam District.
6. The Station House Officer, Arilova Police Station, Visakhapatnam, Visakhapatnam District.
7. Choppala Sadana, W/o.Venkata Narasimha Rao, Aged 59 years, R/o.D.No.15-13-12, Near Vinayaka Temple, Maharanipect, Krishna Nagar, Visakhapatnam city, Visakhapatnam 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, order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of respondents, more particularly the action of respondents 5 and 6 in assisting the respondent No.7 indulged in demolition of building of the petitioner situated in Survey No. 149, Plot Nos.76 and 77 an extent of 111 Sq. yards in Door No.1-88, Assessment No.100085 and Door No. 1-86, Assessment No.100084 having service connection Vide S.No.280708, out of which a portion therein an extent of 46.40 Sq. meters of Jogulapalem Revenue village, Visakhapatnam, Visakhapatnam District, without there being any authority of law, is illegal, irregular and arbitrary and violation of principles of natural justice and offends Articles 14, 21 and 300-A of Constitution of India and consequently direct the respondents not to interfere in any manner with petitioner possession over the said house property nor petitioner personal liberty.

IA NO: 1 OF 2021

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 direct the respondents not to interfere in any manner with petitioner possession over the said house property situated in Survey No.149 in Plot Nos.76 and 77 an extent of 111 Sq. yards in Door No.1-88, Assessment No.100085 and Door No. 1-86, Assessment No.100084 having service connection Vide S.No.280708, out of which a portion therein an extent of 46.40 Sq. meters of Jogulapalem Revenue Village, Visakhapatnam, Visakhapatnam District, pending disposal of main writ petition.

Counsel for the Petitioner:SRI RAMA KRISHNA AKURATHI

Counsel for the Respondent No's. 1 to 6: SRI V FAROOQ

AGP FOR HOME

Counsel for the Respondent No.7: SRI G RAMA GOPAL

The Court made the following order:



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

[3396]

MONDAY, THE FOURTH DAY OF AUGUST
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE DR JUSTICE VENKATA JYOTHIRMAI PRATAPA

WRIT PETITION NO: 30707/2021

Between:

1. SANGHAMREDDY MALLESWARAO, S/O. APPA RAO, AGED 49 YEARS, R/O.D.NO.20-2-3, BESIDE COMMUNITY HALL, DECCADA STREET, PAINDORA DORAPET, CHENGAL RAO POST, VISAKHAPATNAM CITY, VISAKHAPATNAM DISTRICT.

...PETITIONER

AND

1. STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY TO GOVERNMENT, HOME DEPARTMENT, SECRETARIAT, VELAGAPUDI, AMARAVATI, GUNTUR DISTRICT.
2. DIRECTOR GENERAL OF POLICE, STATE OF ANDHRA PRADESH, MANGALAGIRI.
3. THE COMMISSIONER OF POLICE, VISAKHAPATNAM CITY, VISAKHAPATNAM DISTRICT.
4. DEPUTY COMMISSIONER OF POLICE, VISAKHAPATNAM CITY, VISAKHAPATNAM DISTRICT.
5. ASSISTANT COMMISSIONER OF POLICE, DWARAKA DIVISION, VISAKHAPATNAM CITY, VISAKHAPATNAM DISTRICT.
6. THE STATION HOUSE OFFICER, ARILOVA POLICE STATION, VISAKHAPATNAM, VISAKHAPATNAM DISTRICT.
7. CHOPPALA SADANA, W/O. VENKATA NARASIMHA RAO, AGED 59 YEARS, R/O.D.NO.15-13-12, NEAR VINAYAKA TEMPLE,

MAHARANIPET, KRISHNA NAGAR, VISAKHAPATNAM CITY,
VISAKHAPATNAM 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 to to issue a writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of action of respondents, more particularly the action of respondents 5 and 6 in assisting the respondent No.7 indulged in demolition of building of the petitioner situated in Survey No. 149, Plot Nos.76 and 77 an extent of 111 Sq. yards in Door No.1-88, Assessment No.100085 and Door No. 1-86, Assessment No.100084 having service connection Vide S.No.280708, out of which a portion therein an extent of 46.40 Sq. meters of Jogulapalem Revenue village, Visakhapatnam , Visakhapatnam District, without there being any authority of law, is illegal, irregular and arbitrary and violation of principles of natural justice and offends Articles 14, 21 and 300-A of Constitution of India and consequently direct the respondents not to interfere in any manner with petitioner possession over the said house property nor petitioner personal liberty and pass

IA NO: 1 OF 2021

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 direct the respondents not to interfere in any manner with petitioner possession over the said house property situated in Survey No.149 in Plot Nos.76 and 77 an extent of 111 Sq. yards in Door No.1-88, Assessment No.100085 and Door No. 1-86, Assessment No.100084 having service connection Vide S.No.280708, out of which a portion therein an extent of 46.40 Sq. meters of Jogulapalem Revenue Village, Visakhapatnam, Visakhapatnam District, pending disposal of main writ petition and pass

Counsel for the Petitioner:

1.RAMAKRISHNA AKURATHI

Counsel for the Respondent(S):

1.GP FOR HOME

2.G RAMA GOPAL

The Court made the following:
ORDER:

This Writ Petition is filed under Article 226 of Constitution of India with the following prayer:

.... to issue a writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of respondents, more particularly the action of respondents 5 and 6 in assisting the respondent No.7 indulged in demolition of building of the petitioner situated in Survey No. 149, Plot Nos.76 and 77 an extent of 111 Sq. yards in Door No.1-88, Assessment No.100085 and Door No. 1-86, Assessment No.100084 having service connection Vide S.No.280708, out of which a portion therein an extent of 46.40 Sq. meters of Jogulapalem Revenue village, Visakhapatnam , Visakhapatnam District, without there being any authority of law, is illegal, irregular and arbitrary and violation of principles of natural justice and offends Articles 14, 21 and 300-A of Constitution of India and consequently direct the respondents not to interfere in any manner with petitioner possession over the said house property nor petitioner personal liberty and pass....."

2. Heard Sri A.Rama Krishna, learned counsel for the petitioner and V.Farook, learned Assistant Government Pleader for Home.

3. Learned counsel for the petitioner would submit that respondent No.7 got the petitioner's building demolished with the active assistance of the police. Learned counsel would further submit that they have been in possession and enjoyment of the property since the date of the sale deed.

4. Per contra, learned counsel for respondent No.7 would submit that they have lodged a criminal case against the petitioner, as the petitioner forged the signatures of respondent No.7 and created the registered sale deed. Learned counsel would further submit that they are the owners of the property and have been in possession and enjoyment of the subject property.

5. Learned Assistant Government Pleader would submit that, based on the information submitted by respondent No.7, two crimes have been registered against the petitioner, i.e., Crime Nos. 261 of 2019 and 582 of 2021, on the file of Arivola Police Station.

6. Considering the submissions made, it appears that there is a serious civil dispute between the parties regarding the title and possession of the property. This Court cannot decide the title and possession of the property by giving a direction. The matter requires a comprehensive enquiry before the appropriate forum.

7. In that view, this writ petition is disposed of without causing prejudice to the rights and contentions of both parties, and they are at liberty to work out their remedies before the appropriate forum according to law. There shall be no order as to costs.

As a sequel thereto, miscellaneous petitions pending, if any, shall stand closed.

//TRUE COPY//

Sd/- K TATA RAO
DEPUTY REGISTRAR
11 SE
SECTION OFFICER

To,

1. The Principal Secretary to Government, Home Department, State of Andhra Pradesh, Secretariat, Velagapudi, Amaravati, Guntur District.
2. The Director General of Police, State of Andhra Pradesh, Mangalagiri.

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3. The Commissioner of Police, Visakhapatnam city, Visakhapatnam District.
 4. 4.The Deputy Commissioner of Police, Visakhapatnam City, Visakhapatnam District.
 5. 5.The Assistant Commissioner of Police, Dwaraka Division, Visakhapatnam City, Visakhapatnam District.
 6. 6. The Station House Officer, Arilova Police Station, Visakhapatnam, Visakhapatnam District.
 7. One CC to SRI. RAMAKRISHNA AKURATHI, Advocate [OPUC]
 8. Two CCs to GP FOR HOME, High Court of Andhra Pradesh [OUT]
 9. One CC to SRI. G RAMA GOPAL, Advocate [OPUC]
 10. Three CD Copies

PRK

HIGH COURT

DATED:04/08/2025

ORDER

WP NO. 30707 OF 2021



DISPOSING OF THE WP, WITHOUT COSTS