



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

[3330]

**TUESDAY, THE SEVENTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY FIVE**

PRESENT

**THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO
WRIT PETITION NO: 26868/2025**

Between:

1. NANDIGAM SWARA LAKSHMI NARASIMHA RAO, NANDIGAM SWARA LAKSHMI NARASIMHA RAO, S/O. SESHAGIRI RAO, AGED 41 YEARS, OCC- CULTIVATION, R/O. GOPAVARAM VILLAGE, MUSUNURU MANDAL, ELURU DISTRICT (FORMERLY KRISHNA DISTRICT).

...PETITIONER

AND

1. THE STATE OF AP, REP. BY ITS PRINCIPAL SECRETARY TO GOVERNMENT REVENUE DEPARTMENT, SECRETARIAT, VELAGAPUDI, AMARAVATI, GUNTUR DISTRICT
2. THE DISTRICT COLLECTOR, ELURU DISTRICT AT ELURU (FORMERLY KRISHNA DISTRICT).
3. THE REVENUE DIVISIONAL OFFICER, NUZVID, ELURU DISTRICT (FORMERLY KRISHNA DISTRICT).
4. THE TAHSILDAR, MUSUNURU MANDAL, ELURU DISTRICT (FORMERLY KRISHNA DISTRICT)
5. THE MANDAL SURVEYOR, MUSUNURU MANDAL, ELURU DISTRICT (FORMERLY KRISHNA DISTRICT).
6. THE VILLAGE REVENUE OFFICER, GOPAVARAM VILLAGE, MUSUNURU MANDAL, ELURU 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 issue a writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of respondents in insisting the petitioner to vacate from his agricultural land of Ac. 0.28 cents covered by old Survey No. 223-1 and 241, present L.P. No. 2373 of Gopavaram Village, Musunuru Mandal, Eluru District, without acquiring the same under the provisions of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, as illegal, arbitrary, irrational, and without any authority of law, contrary to Articles 14, 21, and 300-A of the Constitution of India and consequently direct the respondents not to interfere in any manner

with petitioners peaceful possession and enjoyment over the said land and pass

IA NO: 1 OF 2025

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, particularly 4th respondent, not to interfere in any manner with the possession and enjoyment of petitioner over any portion of his agricultural land admeasuring Ac. Ac. 0.28 cents out of 5.4030 cents covered by old Survey No. 223-1 and 241, present L.P. No. 2373 of Gopavaram Village, Musunuru Mandal, Eluru District, pending disposal of the main writ petition and pass

Counsel for the Petitioner:

1. NIMMAGADDA REVATHI

Counsel for the Respondent(S):

1. GP FOR REVENUE

THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO
WRIT PETITION No.26868 of 2025

ORDER:-

The present Writ Petition is filed under Article 226 of the Constitution of India seeking the following relief:

“...to issue a writ, order or direction more particularly one in the nature of WRIT OF MANDAMUS declaring the action of respondents in insisting the petitioner to vacate from his agricultural land of Ac.0.28 cents covered by old Survey No.223-1 and 241, present L.P.No.2373 of Gopavaram Village, Musunuru Mandal, Eluru District, without acquiring the same under the provisions of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, as illegal, arbitrary, irrational, and without any authority of law, contrary to Articles 14, 21, and 300-A of the Constitution of India and consequently direct the respondents not to interfere in any manner with petitioner's peaceful possession and enjoyment over the said land and pass such other order....”

2. The petitioner's family members are absolute owners and possessors of Ac.6.12 cents of agricultural land covered by old Sy.Nos.223\1 and 241, present L.P.Nos.2373 and 2374 of Gopavaram Village, Musunuru Mandal, Eluru District. A survey was conducted by respondents on 15.09.2025. During the course of resurvey operations, respondent No.4 orally stated that petitioner's family holds Ac.6.12 cents as purchased from their vendor. However, it was found on the ground that the land within the boundaries measures Ac.6.40 cents, i.e., an excess of Ac.0.28 cents and such excess is liable to be demarcated for granting assignment to third party and the respondent No.4 orally instructed the petitioner to vacate from the excess Ac.0.28

cents within one week or else respondents will evict the petitioner forcibly. If at all the respondents intend to acquire the said land, they have to follow the procedure and the said action of the respondents in trying to dispossess the petitioner forcibly amounts to violation of Articles 14, 21 and 300A of the Constitution of India. Hence, present writ petition is filed seeking a direction to the respondents not to dispossess or evict the petitioner from the land in an extent of Ac.0.28 cents without following due process of law.

3. Heard Ms.Nimmagadda Revathi, learned counsel for petitioner and learned Assistant Government Pleader for Revenue for respondents.

4. Learned counsel for petitioner submits that the respondents, without following due process of law, are attempting to interfere with the peaceful possession and enjoyment of the petitioner's subject property.

5. Learned Assistant Government Pleader has placed on record written instructions dated 04.10.2025 addressed by the respondent No.4-Tahsildar. The said written instructions itself outline that the respondents while conducting survey within the boundaries shown by the petitioner, land measured was found to be Ac.6.40 cents, which is Ac.0.28 cents in excess of the recorded extent of Ac.6.12 cents. The said variation is being examined under resurvey verification and no action whatsoever has been taken by the respondents to vacate the

petitioner from the excess extent. The petitioner's allegation of threat or eviction is baseless and contrary to factual position. The petitioner continues to remain in peaceful possession and enjoyment of his extent. Therefore, the claim of illegal interference is unfounded.

6. This Court directed the learned Assistant Government Pleader to gather information regarding the excess land measuring Ac.0.28 cents, covered by old Sy.Nos.223\1 and 241, presently designated as L.P.Nos.2373 and 2374 of Gopavaram Village, Musunuru Mandal, Eluru District, to determine whether it is classified as private land or Government land. He orally reported that excess land is private land.

7. Therefore, present Writ Petition is disposed of directing the respondents not to interfere with the petitioner's land without following the procedure as established under law. There shall be no order as to costs.

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

JUSTICE TARLADA RAJASEKHAR RAO

Date: 07.10.2025

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