



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



MONDAY, THE SIXTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO

WRIT PETITION NO: 27034 OF 2025

Between:

S Eswar Reddy, S/o. Subba Reddy Aged about 35 years, R/o. D.No.8-344/1, Veerananarayanapuram Village B.Mattam Mandal, Y.S.R Kadapa District.

...Petitioner

AND

1. The State of Andhra Pradesh, rep., by its Principal Secretary Revenue Department, Secretariat Buildings, Velagapudi, Amaravathi, Guntur District.
2. The District Collector, Y.S.R Kadapa District Kadapa.
3. The Revenue Divisional Officer, Badvel Revenue Division Y.S.R Kadapa District.
4. The Tahsildar, B. Mattam Mandal, Y.S.R District.
5. The Circle Inspector, Mydurkur (Rural), Y.S.R Kadapa District.
6. The Sub-Inspector of Police, B.Matam P.S., Y.S.R Kadapa District.

...Respondents

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 an appropriate Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondent No.4

in interfering with my rights over the land in an extent of Ac.4.90 cents in Sy.No.407/1 (old Sy.No.264- 11) of Papireddipalle Village, B.Mattam Mandal, Y.S.R Kadapa District, without putting me on notice and without adhering to due process of law as arbitrary, illegally, colourable exercise of power and contrary to the well established legal principles, apart from being violative of the fundamental and the Constitutional rights guaranteed to me under Articles 14, 19, 21 and 300-A of the Constitution of India and consequently direct the respondents not to interfere with my rights over the land in an extent of Ac.4.90 cents in Sy.No.407/1 (old Sy.No.264-11) of Papireddipalle Village, B.Mattam Mandal, Y.S.R Kadapa District.

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 respondent No.4 not to interfere with my rights over the land in an extent of Ac.4.90 cents in Sy.No.407/1 (old Sy.No.264-11) of Papireddipalle Village, B.Mattam Mandal, Y.S.R Kadapa District, without adhering to due process of law, pending disposal of the above Writ Petition.

Counsel for the Petitioner: SRI V R REDDY KOVVURI

Counsel for the Respondent Nos. 1 to 4: GP FOR REVENUE

Counsel for the Respondent Nos. 5 and 6: GP FOR HOME

The Court made the following



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

[3330]

**MONDAY, THE SIXTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY FIVE**

PRESENT

**THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO
WRIT PETITION NO: 27034/2025**

Between:

**1.S ESWAR REDDY, S/O. SUBBA REDDY AGED ABOUT 35
YEARS, R/O. D.NO.8-344/1, VEERANARAYANAPURAM
VILLAGE B.MATTAM MANDAL, Y.S.R KADAPA DISTRICT.**

...PETITIONER

AND

- 1.THE STATE OF ANDHRA PRADESH, REP., BY ITS
PRINCIPAL SECRETARY REVENUE DEPARTMENT,
SECRETARIAT BUILDINGS, VELAGAPUDI, AMARAVATHI,
GUNTUR DISTRICT.**
- 2.THE DISTRICT COLLECTOR, Y.S.R KADAPA DISTRICT
KADAPA.**
- 3.THE REVENUE DIVISIONAL OFFICER, BADVEL REVENUE
DIVISION Y.S.R KADAPA DISTRICT.**
- 4.THE TAHSILDAR, B. MATTAM MANDAL, Y.S.R DISTRICT.**
- 5.THE CIRCLE INSPECTOR, MYDURKUR (RURAL), Y.S.R
KADAPA DISTRICT.**
- 6.THE SUBINSPECTOR OF POLICE, B.MATAM P.S., Y.S.R
KADAPA 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 an appropriate Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondent No.4 in interfering with my rights over the land in an extent of Ac.4.90 cents in Sy.No.407/1 (old Sy.No.264- 11) of Papireddipalle Village, B.Mattam Mandal, Y.S.R Kadapa District, without putting me on notice and without adhering to due process of law as arbitrary, illegally, colourable exercise of power and contrary to the well established legal principles, apart from being violative of the fundamental and the Constitutional rights guaranteed to me under Articles 14, 19, 21 and 300-A of the Constitution of India and consequently direct the respondents not to interfere with my rights over the land in an extent of Ac.4.90 cents in Sy.No.407/1 (old Sy.No.264-11) of Papireddipalle Village, B.Mattam Mandal, Y.S.R Kadapa District 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 respondent No.4 not to interfere with my rights over the land in an extent of Ac.4.90 cents in Sy.No.407/1 (old Sy.No.264-11) of Papireddipalle Village, B.Mattam Mandal, Y.S.R Kadapa District, without adhering to due process of law, pending disposal of the above Writ Petition and pass

Counsel for the Petitioner:

1.V R REDDY KOVVURI

Counsel for the Respondent(S):

1.GP FOR HOME

2.GP FOR REVENUE

THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO
WRIT PETITION No.27034 of 2025

ORDER:-

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

“...to issue an appropriate Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondent No.4 in interfering with my rights over the land in an extent of Ac.4.90 cents in Sy.No.407/1 (old Sy.No.264-11) of Papireddipalle Village, B.Mattam Mandal, Y.S.R Kadapa District, without putting me on notice and without adhering to due process of law as arbitrary, illegally, colourable exercise of power and contrary to the well established legal principles, apart from being violative of the fundamental and the Constitutional rights guaranteed to me under Articles 14, 19, 21 and 300-A of the Constitution of India and consequently direct the respondents not to interfere with my rights over the land in an extent of Ac.4.90 cents in Sy.No.407/1 (old Sy.No.264-11) of Papireddipalle Village, B.Mattam Mandal, Y.S.R Kadapa District and pass such other order....”

2. It is the pleading of the petitioner that a person in settled possession of immoveable property is entitled to continue in such possession, without being dispossessed save and except in accordance with law.

3. In ***Rame Gowda v. M.Varadappa Naidu***,¹ a three-Judge Bench of the Hon'ble Apex Court, while discussing the Indian law on the subject, observed as under:

“..It is thus clear that so far as the Indian law is concerned, the person in peaceful possession is entitled to retain his possession and in order to protect such possession he may even use reasonable force to keep out a trespasser. A rightful owner who has been wrongfully dispossessed of land may retake possession if he can do so

¹ (2004)1 SCC 769



peacefully and without the use of unreasonable force. If the trespasser is in settled possession of the property belonging to the rightful owner, the rightful owner shall have to take recourse to law."

4. In the case of ***Ram Ratan and others Vs. State of Uttar Pradesh***², question cropped up before Hon'ble Supreme Court, with regard to right of private defence of trespasser against true owner. Their Lordships held that true owner has no right to dispossess the trespasser by use of force, in case trespasser was in possession in full knowledge of the true owner. Observation made by Hon'ble the Supreme Court is reproduced as under:-

"In State of W.B. and others Vs Vishnunarayan and Associates (P) Ltd. and another, reported in (2002) 4 SCC 134, held that State and its executive officers cannot interfere with the rights of others except where their actions are authorized by specific provisions of law."

5. In, ***H.B.Yogalaya Vs. State of U.P. and others***³, the Hon'ble Apex Court held that without any show cause notice or hearing, neither demolition can take place nor a person may be dispossessed from the property, relevant portion is extracted hereunder:

"Otherwise also principles of natural justice demand that a show-cause notice and hearing be given before demolishing or dispossessing a person from the properties of which he is in possession. Counsel appearing for the respondents did not contest this proposition."

"It is well settled that the law requires that the true owner should dispossess the trespasser by taking recourse to the remedies under, the law."

² (1977) 1 SCC 188

³ (2004) 13 SCC 518

6. In the celebrated case of ***Maneka Gandhi vs. Union of India***⁴, the Hon'ble Supreme Court upheld the phrase no one shall be deprived of one's life and liberty except procedure established by law as employed in Article 21 of the Constitution of India. The principles of natural justice demands that the persons who are affected should be heard.

7. Therefore, this Court is of the opinion that the petitioner should not be dispossessed except in accordance with the law, as held in ***Rame Gowda's case*** (supra-1).

8. Accordingly, the Writ Petition is disposed of, directing the respondents not to interfere with the peaceful possession and enjoyment of the petitioner's subject property, except by following due process of law. There shall be no order as to costs.

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

⁴ AIR 1978 SC 25

Sd/- SRI T.SRINIVASA RAO
ASSISTANT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

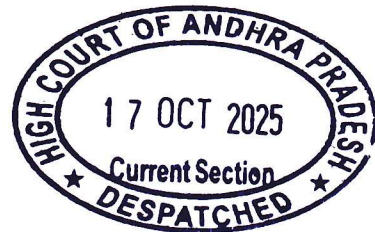
1. The Principal Secretary, Revenue Department, State of Andhra Pradesh, Secretariat Buildings, Velagapudi, Amaravathi, Guntur District.
2. The District Collector, Y.S.R Kadapa District Kadapa.
3. The Revenue Divisional Officer, Badvel Revenue Division Y.S.R Kadapa District.
4. The Tahsildar, B. Mattam Mandal, Y.S.R District.
5. The Circle Inspector, Mydurkur (Rural), Y.S.R Kadapa District.

6. The Sub-Inspector of Police, B.Matam P.S., Y.S.R Kadapa District.
7. One CC to Sri. V R Reddy Kovvuri Advocate [OPUC]
8. Two CCs to GP for Home High Court of Andhra Pradesh [OUT]
9. Two CCs to GP for Revenue High Court of Andhra Pradesh [OUT]
10. Two CD Copies

GSC

**HIGH COURT
DATED:06/10/2025**

**ORDER
WP NO. 27034 OF 2025**



**DISPOSING THE WP
WITHOUT COSTS**