

**IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI
(SPECIAL ORIGINAL JURISDICTION)**

WEDNESDAY, THE EIGHTEENTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY THREE



:PRESENT:

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

WRIT PETITION NO: 27242 OF 2023

Between:

1. KomaramRamudu, S.T. (Koya), S/o Mallayya, Aged about 70yrs R/o Ippalapadu Village, Buttaigudem Mandal, Eluru District.
2. KomaramButchiraju, S.T.(Koya) S/o Surayya, Aged about 60yrs, R/o Ippalapadu Village, Buttaigudem Mandal, Eluru District.

.. Petitioner/s

AND

1. The State of Andhra Pradesh, rep by its Secretary, Tribal Welfare Department, Secretariat, Velagapudi, Amaravathi, Guntur District.
2. The Addl. Agent to Government/Project Officer, I.T.D.A. K.R.Puram, Eluru District.
3. The Asst. Agent to Government/Revenue Divisional Officer, Jangareddygudem,
4. The Sub-Divisional Police Officer, Polavaram Sub-Division, Polavaram, Eluru District.
5. The Station House Officer, Buttaigudem P.S. Buttaigudem, Eluru District
6. The Tahasildar, Buttaigudem 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 Order, Direction, Writ more particularly one in the nature of Writ of Mandamus declare the proceedings of the 3rd respondent in R.C.No.839/2023/B Dt.24/06/2023 as illegal arbitrary and contrary to the provisions of A.P.S.A.L.T Reg. 1/59 as amended by 1/70 and consequently set aside the same in respect of the petitioners lands are concerned covered in R.S.No.464 an extent of Ac.5.55 Cents and R.S.No.465 an extent of Ac.8.89 Cents situated at Doramamidi Village Buttaigudem Mandal, Eluru District;

The petition coming on for hearing upon perusing the Writ Petition and the affidavit filed in support thereof and the earlier Order of the High Court dated 16.10.2023 made herein and upon hearing the arguments of Sri P.R.K.Amerandra Kumar, Advocate for the Petitioner, learned GP FOR TRIBAL WELFARE for respondent Nos.1 to 3, learned GP FOR HOME for respondent Nos.4&5 and learned GP FOR REVENUE for respondent No.6, the Court made the following.

ORDER:

"When the matter is taken up for consideration, learned Assistant Government Pleader for Revenue, on written instructions dated 16.10.2023 submitted that, the petitioners are unauthorized encroacher of the lands are concerned covered by R.S.No.464 Ac.5.55 Cents and R.S.No.465 an extent of Ac.8.89 Cents situated at Doramamidi Village, Buttaigudem Mandal, Eluru District and however sought time to file a detailed counter in that regard.

Learned counsel for the petitioners submitted that, Special Deputy Collector has passed orders in favour of the petitioners father on 27.06.1979 and thereby directed the authorities concerned to eject the respondents in the said proceedings from the petitioners schedule and restore it to the petitioners i.e., petitioner's father. Such proceedings are placed on record and have drawn the attention of this Court to the same. In view of the same, the petitioners father came into the possession and now petitioner as legal heir came into possession of the property. Now, the respondents cannot say that the petitioners are not in possession of the property. He further submitted that, the petitioner's are in possession of the property, in the meantime the authorities dispossess the petitioner it affects the rights of the petitioner. He further submitted that, inadvertently certain proceedings have not been filed before this Court along with the Writ Petition and sought liberty to file additional documents.

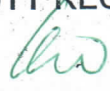
It is further brought to the notice of this Court that, there is one more connected Writ Petition vide W.P.No.44093 of 2016 and requested to post this Writ Petition along with it and also sought time to file counter.

Post this Writ Petition along with W.P.No.44093 of 2016 on 15.11.2023. To strike the balance, as an interim measures, this Court is inclined to pass the following interim order:-

In the meantime, both the parties are directed to maintain status-quo."

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To,


Sd/- K.TATA RAO
DEPUTY REGISTRAR

SECTION OFFICER
For Assistant Registrar

1. The Secretary, Tribal Welfare Department, State of Andhra Pradesh, Secretariat, Velagapudi, Amaravathi, Guntur District.
2. The Addl. Agent to Government/Project Officer, I.T.D.A. K.R.Puram, Eluru District.
3. The Asst. Agent to Government/Revenue Divisional Officer, Jangareddygudem,
4. The Sub-Divisional Police Officer, Polavaram Sub-Division, Polavaram, Eluru District.
5. The Station House Officer, Buttaigudem P.S. Buttaigudem, Eluru District
6. The Tahasildar, Buttaigudem Mandal, Eluru District. (Addressee Nos. 1 to 6 by RPAD- along with a copy of petition and affidavit)
7. One CC to SRI. P R K AMERANDRA KUMAR Advocate [OPUC]
8. Two CCs to GP FOR TRIBAL WELFARE, High Court of Andhra Pradesh. [OUT]
9. Two CCs to GP FOR HOME, High Court of Andhra Pradesh. [OUT]
10. Two CCs to GP FOR REVENUE, High Court of Andhra Pradesh. [OUT]
11. One spare copy

PSK

HIGH COURT

RCJ

DATED:18/10/2023

POST ON 18.10.2023

WP.No.27242 of 2023

STATUS QUO

