



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

[3330]

FRIDAY, THE TWENTY FOURTH DAY OF OCTOBER
TWO THOUSAND AND TWENTY FIVE

**PRESENT
THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO**

WRIT PETITION NO: 29284/2025

Between:

1. JALASUTRAPU JYOTHI, W/O. J HARIBABU, AGED 25 YRS, R/O. D. NO. 1-13, S THIMMAPURAM, KIRLAMPUDI MANDAL, KAKINADA DISTRICT.
2. GANDIKOTA SUBADHRA,, W/O. CHINNA APPARAO, AGED 58 YRS, R/O. D. NO. 1-45, S THIMMAPURAM, KIRLAMPUDI MANDAL, KAKINADA DISTRICT.
3. GANDIKOTA APPAYAMMA,, W/O. APPARAO, AGED 73 YRS, R/O. D. NO. 1-52, S THIMMAPURAM, KIRLAMPUDI MANDAL, KAKINADA DISTRICT.
4. BOJJAPU NAGAMANI, W/O. SAMBASIVA RAO, AGED 48 YRS, R/O. 1-210/2, S THIMMAPURAM, KIRLAMPUDI MANDAL, KAKINADA DISTRICT.
5. GOWTHU VEERRAJU @ CHINA VEERRAJU, S/O. SATTIYYA, R/O. S THIMMAPURAM, KIRLAMPUDI MANDAL, KAKINADA DISTRICT.

...PETITIONER(S)

AND

1. THE STATE OF AP, REP. BY ITS PRINCIPAL SECRETARY, REVENUE DEPARTMENT, SECRETARIAT BUILDINGS, VELAGAPUDI, AMARAVATI, GUNTUR DISTRICT.
2. THE DISTRICT COLLECTOR, KAKINADA DISTRICT, KAKINADA.
3. THE REVENUE DIVISIONAL OFFICER, PEDDAPURAM REVENUE DIVISION, PEDDAPURAM, KAKINADA DISTRICT.
4. THE TAHSILDAR, KIRLAMPUDI MANDAL, KIRLAMPUDI, KAKINDA 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 order, writ or direction, more particularly one in the nature of Writ of Mandamus declaring the action of respondents in taking steps to dispossess the petitioners

from their respective piece of land to an extent of Ac. 0.46 cts in Sy. No. 3-2B/5, LP NO. 15, Ac. 0.46 cts in Sy. No. 3-2B/4, LP NO. 14, Ac. 0.47 cts in Sy. No. 3-2B/3, LP NO. 10, Ac. 0.46 cts in Sy. No. 3-2B/6, LP No. 11 and Ac. 0.47 cts in Sy. No. 3-2B/1, LP No. 8 of Tamarada Village, Kirlampudi Mandal, Kakinada District without recourse to law pursuant to the notice in Form I and II dt. 17-03-2025 and 21-02-2025 and without considering the Notice/Explanation dt.25-09-2025 got issued by the petitioners as illegal, unjust, and contrary to law and violative of principles of natural justice and also fundamental rights guaranteed under Constitution of India consequently directing the 4th respondent to consider the notice/explanation dt.25-09-2025 got issued by the petitioners and not to dispossess them from their respective piece of 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 No.4 not to dispossess the petitioners from their respective piece of land of an extent of Ac. 0.46 cts in Sy. No. 3-2B/5, LP No. 15, Ac. 0.46 cts in Sy. No. 3-2B/4, LP NO. 14, Ac. 0.47 cts in Sy. No.3-2B/3, LP NO. 10, Ac. 0.46 cts in Sy. No. 3-2B/6, LP No. 11 and Ac. 0.47 cts in Sy. No. 3-2B/1, LP No. 8 of Tamarada Village, Kirlampudi Mandal, Kakinada District and meddle with the property in any respect till disposal of the writ petition and pass

Counsel for the Petitioner(S):

1.T V S PRABHAKARA RAO

Counsel for the Respondent(S):

1.GP FOR REVENUE

The Court made the following:

THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO

WRIT PETITION NO. 29284 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 order, writ or direction, more particularly one in the nature of Writ of Mandamus declaring the action of respondents in taking steps to dispossess the petitioners from their respective piece of land to an extent of Ac.0.46 cts in Sy. No. 3-2B/5, LP No.15, Ac. 0.46 cts in Sy. No.3-2B/4, LP.No.14, Ac. 0.47 cts in Sy. No. 3-2B/3, LP No. 10, Ac. 0.46 cts in Sy.No.3-2B/6, LP No.11 and Ac. 0.47 cts in Sy.No.3-2B/1, LP No. 8 of Tamarada Village, Kirlampudi Mandal, Kakinada District without recourse to law pursuant to the notice in Form I and II dt. 17-03-2025 and 21-02-2025 and without considering the Notice/Explanation dt.25-09-2025 got issued by the petitioners as illegal, unjust, and contrary to law and violative of principles of natural justice and also fundamental rights guaranteed under Constitution of India consequently directing the 4th respondent to consider the notice/explanation dt.25-09-2025 got issued by the petitioners and not to dispossess them from their respective piece of land and pass for any such other order or orders may deem fit and proper in the circumstances of the case”.

2. It is the pleading of the petitioners 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***, reported in **(2004)1 SCC 769**, a three-Judge Bench of 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 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***, reported in **1977(1) SCC 188**, question cropped up before 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***, reported in **(2004) 13 SCC 518** the 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, to quote relevant portion:

“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."

6. In the celebrated case of ***Maneka Gandhi vs. Union of India***, ***AIR 1978 SC 25***, 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 petitioners should not be dispossessed except in accordance with the law as held by the ***Rame Gowda's*** case that the petitioners who are continue in such possession, they shouldn't dispossess without being except in accordance with law.

8. Therefore, the Writ Petition is disposed of directing the respondents not to dispossess the petitioners, except following the due procedure as contemplated in law. No order as to costs.

As a sequel, interlocutory applications, if any pending in this Writ Petition shall stand closed.

JUSTICE TARLADA RAJASEKHAR RAO

Date: 24.10.2025

SPP

THE HON'BLE SRI JUSTICE TARLADA RAJASEKHAR RAO

W.P.No. 29284 OF 2025

Date: 24.10.2025

SPP