

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

TUESDAY, THE SEVENTH DAY OF MAY
TWO THOUSAND AND TWENTY FOUR

:PRESENT:

THE HONOURABLE SRI JUSTICE TARLADA RAJASEKHAR RAO
WRIT PETITION NO: 30584 OF 2023

Between:

1. Lakkoji Kesava Rao, S/o Late Narasimha chary, aged 56 years, Occ Goldsmith Worker, R/o H.no 12-28, Arvamangala Street Tekkali, Srikakulam Dist Pin 532201, Andhra Pradesh.
2. Lakkoji Sankara Rao, S/O Late L. Prasada Rao, aged 46 years, Occ Goldsmith Worker, R/o D.No 10-272 Sambana Street Tekkali Srikakulam Dist Pin 532201, Andhra Pradesh.
3. Kottapalli Soma Sekhara Rao, S/o K. Ganapathy Rao, aged 52 yrs, R/o D.No 2-56 Kallinga Veedhi, Sanda Bommali, Srikakulam Dist Pin 532195, Andhra Pradesh.
4. Yedureshapu Sreenivasa Rao, S/o Late Y. Lakshmana Rao, Aged 33 yrs, Occ Daily wage worker, Tekkali, D.No. 12-57, Sarvamangala Street, Tekkali, Srikakulam Dist 532201.
5. Korlapu Ganapathy Rao, S/o Late K. Suryanarayana, aged 58 years, Occ Goldsmith Worker, R/o D.No.253, Main Road, Ravivalasa, Srikakulam Dist Pin 532212, Andhra Pradesh.
6. Korlapu Appala Achary, S/o Late k. Rajulu aged 42 years Occ Daily wage Worker, R/o Old Colony, Ravivalasa, Srikakulam Dist, Pin 532212.
7. Lakkoju Tarakeshawara Rao, S/o K. Kamaraju aged 36 yrs, Occ Goldsmith worker, R/o D.No. 2-5, Main street, Syamsundarapuram, Tekkali Srikakulam Dist, Pin 532201.

8. Lakkoju Hari Chandra Rao, S/o Late L. Krishnamurthy, aged 52 years, Occ Daily wage worker, R/o D.No. 2-229, Temburu Road, Tekkali, Srikakulam Dist, Pin 532201.
9. Lakkoju Ganga Rao, S/o Late L. Suryanarayana, aged 74 years, Occ Goldsmith Worker, R/o D.No 4-192, Sambana Street, Tekkali, Srikakulam Dist Pin 532201, Andhra Pradesh.
10. Gadi Vinayaka Rao, S/o Late G. Krishnamurthy Achary, aged 52 years, Occ Daily wage worker, R/o D.No. 15-377B Raja veedhi, Tekkali, Srikakulam Dist Pin 532201, Andhra Pradesh.
11. Lakkoju Ganapathy Achari, S/o Late Prakasam Achari, aged 60 years, Occ Goldsmith Worker, R/o D.No 9-3-61/A, Poojari veedhi, Kasibugga, Srikakulam Dist Pin 532222, Andhra Pradesh.
12. Lakkoju Rama Rao, S/o Late Tavudu, aged 35 years Occ Daily wage worker, R/o D.No. 2-15, Main street, Syamsundarapuram, Tekkali, Srikakulam dist. Pin 532201.
13. Rana Gajendra Rao, S/o Late Suryanarayana, aged 44 years, Occ Daily wage Worker, R/o D.No. 23-7-42, Giri Street, Satyanarayanapuram, Vijayawada, Pin 520011, Andhra Pradesh.
14. Lakkoju Vijaya laxmi, D/o Late koralapu Lingaraju, aged 55 years, Occ Home Maker, R/o D.No 7-2-7/A, Segidi Veedhi, Kasibugga, Srikakulam Dist Pin 532222, Andhra Pradesh.
15. Lakkoju Lokanatham, S/o Late Lakkoju Paleshu, aged 66 years, Occ Goldsmith Worker, R/o Paiko street, Gunupur, Rayagada Dist, Orissa Pin 765022.
16. Lakkoju Santhosh Kumar, S/o Late L. Rama Rao, aged 29 years, Occ Unemployee, R/o D.No 8-68, BC Colony, Sanda Bommali, Srikakulam Dist Pin 532195, Andhra Pradesh.

... Petitioners

AND

1. The State of Andhra Pradesh, Rep by its Special Chief Secretary, Industries and Commerce Department, Secretariat, Velagapudi Amaravati Guntur District.
2. The State of Andhra Pradesh, Rep by its Principal Secretary, Revenue Stamps and Registration Department, Secretariat, Velagapudi at Amaravathi Guntur District.
3. The State of Andhra Pradesh, Rep by its Principal Secretary to Government, Agriculture and Cooperation Department, Secretariat, Velagapudi Amaravati, Guntur District.
4. The Commissioner of Industries, Commissionerate of Industries, First Floor, Govt Regional Printing Press Buildings, Mutyalampadu Vijayawada - 520011.
5. The District Registrar for Industrial Co-operative Societies and The General Manager, District Industries Centre, Srikakulam, Srikakulam District.
6. M/s Sri Jagadatri Displaced GOLDSMITH RCC Spun pipes Co-operative Society, Tekkali Represented by its Liquidator, Dist Industries Centre, Srikakulam, Srikakulam Dist.
7. The District Collector, Srikakulam District, at Srikakulam.
8. The Sub-collector, Tekkali, Srikakulam District at Tekkali.
9. Tahsildar, Tekkali Mandal, at Tekkali, Srikakulam District.
10. The District Registrar, Stamps and Registration Department, Srikakulam District at Srikakulam.
11. The Sub-Registrar, Stamps and Registration Department, Tekkali, Srikakulam District.
12. Balaga Prakash Rao, S/o B Bheema Rao, Aged 44yrs, Occ Buisiness, R/o 1-167, SC Street, Badam Village, Nandigama Mandal, Srikakulam District.

...Respondent

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

(a) action of the 1st respondent and 7th Respondent in passing proceedings vide Memo No. 2067971/Prog-I/A2/2023 and Rc.No 2179/2021-E3 dated 10.7.2023 and 24.7.2023 respectively in making the 10th and 11th respondent to delete the land from the prohibitory list admeasuring Ac 0.34 Cents in Sy No 520/1 and Ac 1.66 cnts in Sy No 520/3(total Acs 2.00cnts) situated in Raghunadhapuram Village, Tekkali Mandal, Srikakulam which belong to the M/s Sri Jagadatri Displaced GOLDSMITH RCC spun pipes Co-operative society, Tekkali on the premise of the orders passed by this Hon'ble Court in W.P No 23903/2020 dated 14/7/2022 and facilitating the said land to get it transferred and registered in favor of the 12th respondent by mentioning therein that M/s Sri Jagadatri Displaced GOLDSMITH RCC spun pipes Co-operative society, Tekkali has executed the sale deed in favour of 12th respondent without passing any decision on the petitioners representations dated 2.12.2019, 23.12.2019, 20.6.2022, 29.8.2022, 5.12.2022 by the respondents the 7th and 8th respondents submitted through spandana to protect the said land having an extent Ac 0.34 Cents in Sy No 520/1 and Ac 1.66 cnts in Sy No 520/3(total Acs 2.00cnts) situated in Raghunadhapuram Village, Tekkali Mandal, Srikakulam from encroachments and any alienations thus existing as illegal, arbitrary, unjust, impermissible, colorable Exercise of Power, violation of principles of natural Justice and contrary to the provisions of A.P Societies Registration Act, 1964 and Violative of Articles 14, 21 and 300A of the Constitution of India and set aside the same.

(b) Direct the 4th , 5th respondents to take steps to restore the M/s Sri Jagadatri Displaced GOLDSMITH RCC spun pipes Co-operative society, Tekkali by considering the resolution passed by the petitioners in presence of respondent dated 2.11.2021 by considering the project as requested by the respondent vide letter dated 28.7.2022 from the petitioners

(c) consequently declare the entries made in all the revenue records pertaining to the land of M/s Sri Jagadatri Displaced GOLDSMITH RCC spun

pipes Co-operative society, Tekkali having an extent Ac 0.34 Cents in Sy No 520/1 and Ac 1.66 cnts in Sy No 520/3 (total Acs 2.00 cnts) situated in Raghunadhapuram Village, Tekkali Mandal, Srikakulam in favour of 12th Respondent as invalid and order the respondents to delete the 12th respondent name from all the revenue records by holding the sale deed dated 6.12.2022 as invalid and void.

IA NO: 1 OF 2023

Petition under Section 151 of CPC is filed 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 to order the 12th respondent to restrain from creating any 3rd party interest in favor of any one's name and also from making any developmental or construction activities over the land of M/s Sri Jagadatri Displaced GOLDSMITH RCC spun pipes Co-operative society, Tekkali having an extent Ac 0.34 Cents in Sy No 520/1 & Ac 1.66 cnts in Sy No 520/3 (total Acs. 2.00cnts) situated in Raghunadhapuram Village, Tekkali Mandal, Srikakulam, Pending disposal of WP 30584 of 2023, on the file of the High Court.

The petition coming on for hearing, upon perusing the Petition and the affidavit filed in support thereof and upon hearing the arguments of SRI NAMBURI SREEMANNARAYANA Advocate for the Petitioners, GP FOR INDUSTRIES COMMERCE for the Respondent 1 & 4, GP FOR STAMPS & REGISTRATION for respondent Nos.10, 11, GP FOR AGRICULTURE AND COOPERATION for respondent nos.3, 5 & 6, GP FOR REVENUE for Respondent Nos.7 to 10, the Court made the following.

ORDER

"The learned counsel for the petitioners submitted that the 12th respondent is trying to create 3rd party interest.

The learned counsel appearing on behalf of the 12th respondent requested time for filing counter-affidavit.

At request, for filing counter-affidavit, post the matter after Summer Vacation, 2024.

It is made clear that any sale of the subject property is subject to the result of the writ petition."

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**Sd/-M.PRABHAKAR RAO
ASSISTANT REGISTRAR**


SECTION OFFICER

To,

1. The Special Chief Secretary, Industries and Commerce Department,
State Of Andhra Pradesh, Secretariat, Velagapudi Amaravati Guntur
District.
2. The Principal Secretary, Revenue Stamps and Registration
Department, State Of Andhra Pradesh, Secretariat, Velagapudi at
Amaravathi Guntur District.
3. The Principal Secretary to Government, State of Andhra Pradesh,
Agriculture and Cooperation Department, Secretariat, Velagapudi
Amaravati, Guntur District.
4. The Commissioner of Industries, Commissionerate of Industries, First
Floor, Govt Regional Printing Press Buildings, Mutyalampadu
Vijayawada - 520011.
5. The District Registrar for Industrial Co-oprative Societies and The
General Manager, District Industries Centre, Srikakulam, Srikakulam
District.

6. The Liquidator, M/s Sri Jagadatri Displaced GOLDSMITH RCC Spun pipes Co-operative Society, Tekkali Dist Industries Centre, Srikakulam, Srikakulam Dist.
7. The District Collector, Srikakulam District, at Srikakulam.
8. The Sub-collector, Tekkali, Srikakulam District at Tekkali.
9. Tahsildar, Tekkali Mandal, at Tekkali, Srikakulam District.
10. The District Registrar, Stamps and Registration Department, Srikakulam District at Srikakulam.
11. The Sub-Registrar, Stamps and Registration Department, Tekkali, Srikakulam District.
12. Balaga Prakash Rao, S/o B Bheema Rao, Aged 44yrs, Occ Business, R/o 1-167, SC Street, Badam Village, Nandigama Mandal, Srikakulam District.(1 to 12 by RPAD)
13. One CC to SRI. NAMBURI SREEMANNARAYANA Advocate [OPUC]
14. Two CCs to GP FOR INDUSTRIES COMMERCE ,High Court Of Andhra Pradesh. [OUT]
15. Two CCs to GP FOR STAMPS & REGISTRATION, High Court of Andhra Pradesh [OUT]
16. Two CCs to GP FOR AGRICULTURE & COOPERATION, High Court of Andhra Pradesh.[OUT]
17. Two CCs to GP FOR REVENUE, High Court of Andhra Pradesh.[OUT]
18. One CC to Sri B.Prakash, Advocate [OPUC]
19. **One spare copy**

ksr

HIGH COURT

TRR, J

DATED:07/05/2024

post the matter after Summer Vacation, 2024.

ORDER

WP.No.30584 of 2023

DIRECTION

