



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

**[3332]**

WEDNESDAY, THE ELEVENTH DAY OF FEBRUARY  
TWO THOUSAND AND TWENTY SIX

**PRESENT**

**THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI**

**WRIT PETITION NO: 32342/2023**

**Between:**

1. Y C MASTAN, S/O PEDA MASATANAPPA AGED ABOUT 45 YEARS  
R/O KOTAPALI VILLAGE, PUTAPARTHY MANDAL.

**...PETITIONER**

**AND**

1. THE STATE OF AP, REPRESENTED BY ITS PRINCIPAL  
SECRETARY IRRIGATION DEPARTMENT A.P. SECRETARIAT,  
VELGAPUDI, AMARAVATHI, GUNTUR.

2. ASSISTANT ENGINEER, IRRIGATION DEPARTMENT,  
PUTTAPARTHY SUB DIVISION, PUTTAPARTHY DISTRICT

3. THE DISTRICT COLLECTOR, PUTTAPARTHY DISTRICT

4. TASHILDAR, PUTTAPARTHY MANDAL, PUTTAPARTHY.

5. THE DISTRICT SURVEYOR, PUTTAPARTHY MANDAL,  
PUTTAPARTHY DISTRICT

6. M BABLAN, S/O MOULA SAHEB AGE NOT KNOWN, RESIDENT OF  
KOTLAPALLI VILLAGE, PUTTAPARTHY MANDAL, PUTTAPARTHY  
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 writ, order or direction, more particularly, in the nature of writ of mandamus, declaring the action of the 2nd Respondent in

trying to disposes the Petitioners from their Land in Sy.No 481 in Nidimamidi Village without following due process of law as illegal, arbitrary and in violation of Principles Of Natural Justice and consequently direct the Respondents not to excavate the Petitioner's land in Sy.No 481 in Nidimamidi Village, Puttaparthi District and to pass

**IA NO: 1 OF 2023**

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 2nd Respondent not to disposes the Petitioner from his land Sy.No 481 in Nidimamidi Village, Puttaparthi District and to pass appropriate orders in accordance with law pending disposal of the writ petition or 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 Vacate Interim Orders passed on 14-12-2023 and to dismiss the Writ Petition No. 32342 of 2023 and pass

**IA NO: 2 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 Pleased to vacate the interim order dated. 14.12.2023 passed in Writ Petition No. 32342 of 2023 and pass

**Counsel for the Petitioner:**

1.T V P SAI VIHARI

**Counsel for the Respondent(S):**

1.GP FOR REVENUE

2.GP FOR IRRIGATION COMM AREA DEV

**The Court made the following:**

**ORDER:**

To declare the action of the 2<sup>nd</sup> respondent in trying to dispossess the petitioner from his land in Sy.No.481 in Nidimamidi Village, without following due process of law, the present writ petition is filed.

2. Heard Sri TVP Sai Vihari, learned counsel for the petitioner, Sri Satish Kumar, learned Assistant Government Pleader for Irrigation and Sri Venkata Satyanarayana, learned Assistant Government Pleader for Revenue appearing for the respondents.

3. While reiterating the contents of the affidavit, learned counsel for the petitioner submitted that in order to facilitate a permanent rasta to some private individuals, the authorities are trying to convert oota kalva into permanent rasta which is adjacent to the petitioner's property situated in Sy.No.481, thereby taking the petitioner's property as well. A representation was also made in that regard requesting the authorities to see that no constructions are made by the 5<sup>th</sup> respondent by converting/closing oota kalva. He further submit that without following due process of law, the authorities cannot dispossess the petitioner for laying permanent rasta through the petitioner's land and oota kalva to facilitate third parties. Accordingly, this Court, by way of interim orders dated 14.12.2023, protected the interest of the petitioner. As such, prayed to pass appropriate orders protecting the interest of the petitioner.

4. On the other hand, learned Assistant Government Pleaders, on their respective counters, submitted that, in fact the petitioner is an encroacher and

the authorities have an intention to conduct survey as sought by the petitioner and that they would follow due process of law if they want to interfere with the petitioner's property.

5. Learned counsel for the petitioner in reply submitted that in fact, a survey notice has also been issued by the authorities, for which the petitioner requested to postpone the survey since the crop in the said survey number is at advanced stage. Further, the oota kalva is situated in several survey numbers, but the survey is going to be conducted in Survey No.480 only, which is not proper.

6. Perused the record and considered the submissions made by both the learned counsel.

7. It is needless to observe that even an encroacher is entitled for a notice before removal of the alleged encroachments. This Court is not inclined to go into the aspect with regard to survey. Anyhow, the authorities have issued notice to the parties for conducting the survey and intend to proceed. Insofar as interference with the petitioner's property is concerned, the respondents are not disputing the petitioner's possession, in the said circumstances, interference without following law does not arise.

8. This Court, on 14.12.2023, by way of interim orders passed the following order:-

*"Status quo shall be maintained as on today in respect of land in Sy.No.481 in Nidimamidi Village."*

9. Keeping in view the facts and circumstances of the case and the interim order, this Court is inclined to dispose of the writ petition directing the

authorities not to interfere with the petitioner's possession except under due process of law, if they intend to do so. If by any chance the authorities come to a conclusion that the petitioner is an encroacher, they shall take steps in accordance with law. Insofar as oota kalva is concerned, the authorities have any intention to make any constructions, it is needless to observe that they have to follow law.

10. Accordingly, the Writ Petition is ***disposed of***. There shall be no order as to costs.

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

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**JUSTICE RAVI CHEEMALAPATI**

Date: 11.02.2026.  
JLV

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**THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI**

**WRIT PETITION NO: 32342/2023**

Date: 11.02.2026.  
JLV