



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

[3333]

FRIDAY, THE FIFTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SMT JUSTICE V.SUJATHA

WRIT PETITION NO: 33205/2025

Between:

1.V VENKATA RAMANA PRASAD, S/O. LATE V. CHANDRA SEKHAR NAIDU, AGED ABOUT 62 YEARS, RETD. DEPUTY EXECUTIVE ENGINEER, RESIDING AT QUARTER NO.EE/5 RF, SUNNIPENTA, SRISAILAM PROJECT, NANDYAL DISTRICT

...PETITIONER

AND

- 1.THE STATE OF ANDHRA PRADESH, WATER RESOURCES DEPARTMENT, SECRETARIAT, VELAGAPUDI, AMARAVATHI, REP. BY ITS PRINCIPAL SECRETARY
- 2.THE SUPERINTENDING ENGINEER, DAM MAINTENANCE CIRCLE, NSRS SRISAILAM PROJECT SRISAILAM
- 3.THE EXECUTIVE ENGINEER FAC, DAM MAINTENANCE DIVISION, NSRS SRISAILAM PROJECT SRISAILAM
- 4.THE EXECUTIVE ENGINEER, CAMPS AND BUILDINGS DIVISION, NSRS SRISAILAM PROJECT SRISAILAM

...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 toPleased to issue a Writ, Order dr Direction, more particularly one in the nature of Writ of Mandamus, declaring action of 4th respondent in issuing order vide Notice No.1.EE/CandB/AB/A2/642M dated 16.10.2025 in directing the petitioner to vacate from allotted Government bungalow/quarter bearing

D.No.EE/5 RF, Sunnipenta, Srisailam Project, Nandyal, in violation of GOMs No.21 dated 05.02.2009, without following due process of law, as arbitrary, illegal., unjust, non-application of mind, colourable exercise of power, without jurisdiction/authority, non consideration of relevant facts of the case, violative of principles of natural justice, violative of Fundamental Rights guaranteed under Articles 14, 19 and 21, apart from being violative of the Constitutional Right guaranteed under Article 300-A of the Constitution of India and consequently set aside the order vide Notice No.1.EE/CandB/AB/A2/642M dated 16.10.2025 issued by respondent no.4 to the petitioner and direct the respondents not to vacate the petitioner and his family till the completion of regularization of quarter EE/5 to petitioner as per GOMs 21 dated 05.02.2009 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 Pleased to suspend the order vide Notice No.1.EE/CandB/AB/A2/642M dated 16.10.2025 issued by 4th respondent, pending disposal of the above Writ Petition and direct the respondents Not to evict and not to take coercive steps against petitioner and his family till the completion of regularization of quarter EE/5 to petitioner as per GOMs 21 dated 05.02.2009 and pass

Counsel for the Petitioner:

1.PAWAN KUMAR MALAPATI

Counsel for the Respondent(S):

1.GP FOR IRRIGATION COMM AREA DEV

The Court made the following:

ORDER:

The present writ petition came to be filed under Article 226 of the Constitution of India seeking the following relief:

“...to issue a Writ, Order or Direction, more particularly one in the nature of Writ of Mandamus, declaring action of 4th respondent in issuing order vide Notice No.1.EE/C&B/AB/A2/642M dated 16.10.2025 in directing the petitioner to vacate from allotted Government bungalow/quarter bearing D.No.EE/5 RF, Sunnipenta, Srisailam Project, Nandyal, in violation of GOMs No.21 dated 05.02.2009, without following due process of law, as arbitrary, illegal., unjust, non-application of mind, colourable exercise of power, without jurisdiction/authority, non- consideration of relevant facts of the case, violative of principles of natural justice, violative of Fundamental Rights guaranteed under Articles 14, 19 and 21, apart from being violative of the Constitutional Right guaranteed under Article 300-A of the Constitution of India and consequently set aside the order vide Notice No.1.EE/CandB/AB/A2/642M dated 16.10.2025 issued by respondent no.4 to the petitioner and direct the respondents not to vacate the petitioner and his family till the completion of regularization of quarter EE/5 to petitioner as per GOMs 21 dated 05.02.2009 ”

2. Brief facts of the case are as follows:

a) The petitioner worked in the Irrigation Department of State of Andhra Pradesh in various posts and retired from service as Deputy Executive Engineer on 31.03.2023 while working in NSRS Srisailam Project, Srisailam.

b) Basing on the representations made by the retired employees' association and other unions and associations, the Government issued G.O.Ms.No.21 Irrigation and CAD(PW-MAJOR IX) Department, dated

05.02.2009, under which retired Government employees occupying quarters/land may have their possession regularized upon payment of costs at the market value fixed by the District Collector. Pursuant to the said G.O., the petitioner has submitted a representation on 30.06.2025 along with others seeking regularization of his quarter in his name on permanent basis upon payment of market value. While the said representation was pending, the 4th respondent issued a notice dated 04.09.2025 directing the petitioner to hand over the quarter to the Deputy Executive Engineer, failing which, action would be recommended to higher authorities and a police complaint would also be lodged. Aggrieved thereby, the petitioner filed W.P.No.24681 of 2025. The said writ petition was disposed of vide orders dated 15.09.2025, which reads as under:

“.....dispose of the writ petition by directing the petitioner to submit an explanation to the said notice dated 04.09.2025 within a period of two (02) weeks from the date of receipt of a copy of this order. Thereafter, upon considering the explanation, the respondents shall pass appropriate orders afresh in accordance with paragraph 3(3) G.O.Ms.No.21, dated 05.02.2009, by duly considering the earlier representation dated 30.06.2025 made by the petitioner in terms of G.O.Ms.No.21 dated 05.02.2009. The said process shall be completed within a period of four (04) weeks, thereafter.”

c) The grievance of the petitioner in the present writ petition is that, pursuant to the order dated 15.09.2025 passed by this Court, the petitioner submitted an explanation on 06.10.2025 to the 4th respondent. However, despite the

specific directions issued by this Court in W.P.No.24681 of 2025 to consider the explanation submitted by the petitioner in terms of G.O.Ms.No.21, dated 05.02.2009, the 4th respondent passed the impugned order dated 16.10.2025 merely stating that, in compliance with the orders of this Court dated 15.09.2025, the petitioner's request for regularization of Quarter No.EE/5, Sunnipenta, under G.O.Ms.No.21 dated 05.02.2009 does not fall within the purview of the said G.O., and accordingly rejected the request. The said order was passed without assigning any reasons as to how the petitioner's case does not fall under the said G.O. Challenging the said order dated 16.10.2025, the present writ petition has been filed.

3. Heard learned counsel for the petitioner and the learned Assistant Government Pleader for Irrigation.

4. On a perusal of the material available on record, it can be observed that though the petitioner is entitled for regularization of the quarter on payment of market value in pursuance of G.O.Ms.No.21, dated 05.02.2009, it is for the respondents to assign reasons as to how the petitioner's case does not fall under G.O.Ms.No.21, dated 05.02.2009. However, in the present impugned order, no such cogent reasons have been assigned by the 4th respondent.

5. In view of the above, the impugned order dated 16.10.2025 is liable to be set aside.

6. Accordingly, the Writ Petition is allowed by setting aside the impugned order dated 16.10.2025 passed by the 4th respondent. The matter is remanded back to the 4th respondent for fresh consideration in accordance

with the orders passed by this Court in W.P.No.24681 of 2025 dated 15.09.2025 and to pass appropriate orders afresh by assigning reasons. There shall be no order as to costs.

Consequently, Miscellaneous Petitions, if any, pending shall stand closed.

Date: 05.12.2025
KGR

JUSTICE V.SUJATHA