



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

[3332]

MONDAY, THE FIRST DAY OF DECEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

WRIT PETITION NO: 33343/2023

Between:

1.KUCHIMPUDI VENKATA LAKSHMI, W/O. RAMBABU
AGED 32 YEARS, R/O. H. NO. 2-95, KAMMA BAJAR,
RAMANNAGUDEM VILLAGE, DWARAKA TIRUMALA
MANDAL, ELURU DISTRICT

...PETITIONER

AND

- 1.THE STATE OF ANDHRA PRADESH, REP. BY IT'S
PRINCIPAL SECRETARY, PANCHAYAT RAJ AND RURAL
DEVELOPMENT, SECRETARIAT, VELAGAPUDI,
AMARAVATI, GUNTUR DISTRICT
- 2.THE DISTRICT COLLECTOR PANCHAYAT WING,
ELURU DISTRICT AT ELURU
- 3.THE MANDAL PARISHAD DEVELOPMENT OFFICER,
DWARAKA TIRUMALA MANDAL, DWARAKA TIRUMALA
ELURU DISTRICT.
- 4.THE TAHSILDAR, DWARAKA TIRUMALA MANDAL
DWARAKA TIRUMALA, ELURU DISTRICT
- 5.THE VILLAGE REVENUE OFFICER, RAMANNAGUDEM
VILLAGE, DWARAKA TIRUMALA MANDAL ELURU

DISTRICT

6.THE RAMANNAGUDEM GRAM PANCHAYAT, REP BY
IT'S SECRETARY, RAMANNAGUDEM VILLAGE,
DWARAKA TIRUMALA 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 topleased to issue an appropriate Writ, order or direction, more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents in trying to dispossess the petitioner from her land in an extent of Ac. 1.50 Cents in RS No. 203 of Ramannagudem Village, Dwaraka Tirumala, Eluru District, which is classified as Bandi Dari and also contemplating to demolish the asbestos roof shed to an extent of Ac. 0.04cents in the said land without following due process of law as illegal, arbitrary, high handed, ultravires, and violative of principles of natural justice and contrary to the procedure established by law apart from being violative of Articles 21 and 300-A of the Constitution and consequently direct the respondent not to dispossess the petitioner from the above mentioned lands without following due process of law in the interest of justice and 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 respondents riot to dispossess the petitioner from her land in an extent of Ac. 1.50 Cents in RS No. 203 of Rarn.annagudern Village, Dwaraka Tirumala, Eluru District, which is classified as Bandi Dari and also not to demolish the asbestos roof shed to an extent of Ac. 0.04cents in the said land, pending disposal of the Writ Petition and to 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 May be pleased to grant leave to Respondent No.4 to file counter in the above writ petition and pass

Counsel for the Petitioner:

1.I RAJESH

Counsel for the Respondent(S):

1.GP FOR REVENUE (AP)

2.N SRIHARI (Standing Counsel for ZPP MPP and GRAM PANCHAYAT)

The Court made the following Order:

Declaring the action of the respondents in trying to dispossess the petitioner from her land to an extent of Ac.1.50 cents in RS.No.203 of Ramannagudem Village, Dwaraka Tirumala, Eluru District, which is classified as 'bandi dari' (cart track) and in contemplating to demolish the asbestos roof shed constructed in an extent of Ac.0.04 cents of the subject land, without following due process of law, as illegal and arbitrary, the present writ petition is filed.

2. Heard Sri Injeti Rajesh, learned counsel for the petitioner, Sri Y. Koteswara Rao, learned Standing Counsel for Gram Pancayat, Ms. Naga Chandrika, learned Assistant Government

Pleader for Panchayat Raj and Sri M. Chandra Sekhar, learned Assistant Government Pleader for Revenue.

3. Learned counsel for the petitioner, while reiterating the contents of the affidavit, submitted that the petitioner is the absolute owner and possessor of the subject land and that their family has been residing there since time immemorial without any interference. He further submitted that the petitioner, after obtaining necessary permission from the authority concerned, raised a shed for the purpose of grazing buffalos and other animals as part of their livelihood. While things stood thus, the respondent authorities, in a manner unknown to law, tried to dispossess the petitioner from the subject land and directed the petitioner to evict the subject land, failing which appropriate action would be taken to remove the structures existing thereon. If such highhanded action is allowed to continue, it will affect the rights of the petitioner. As such, prayed to pass appropriate orders protecting the interest of the petitioner.

4. On the other hand, learned Assistant Government Pleader for Revenue submitted that the petitioner was not in possession of the subject property, nor was any house patta granted by the authorities. As against the very same subject property, one

Sri Ghanta Rambabu filed W.P.No.31075 of 2023, alleging that the revenue authorities were trying to assign the house plots situated in Rs.No.203, which is classified as 'Bandi (car track). The said writ petition was allowed by this Court, directing the revenue authorities not to allot any house site pattas except under due process of law. He further submitted that the petitioner, at one point of time, claimed Ac.1.50 cents and Ac.0.04 cents at another point of time; thus, his own affidavit is reflecting two versions and the house tax receipts produced by the petitioner are not correlated to the subject property. Nowhere it is mentioned that as to what assignment Number was given to the petitioner by the Panchayat. Therefore, the petitioner is not in possession of the subject property. As such, the writ petition is devoid of merits and is liable to be dismissed.

5. Learned Standing Counsel for Gram Panchayat, on instructions, submitted that they are not interfering with the subject property as alleged by the petitioner.

6. Perused the record and considered the submissions made by all the parties.

7. The grievance of the petitioner is that she is the absolute owner and possessor of the land to an extent of Ac.1.50 cents in RS.No.203 of the said village and has raised shed in an extent of Ac.0.04 cents in the said land and that the respondent authorities, without following due procedure contemplated under law, are trying to dispossess her. As rightly contended by the learned Assistant Government Pleader for Revenue that no assignment was ever granted in favour of the petitioner and the petitioner is not in possession of the subject property. No material has been placed on record by the petitioner to show that the subject land was assigned in her favour by the authority concerned.

On perusal of the order passed by this Court in W.P.No.31075 of 2023 would indicate that this Court, by taking into consideration the rules in vogue and the fact that land situated in Sy.No.203 was classified as 'bandi dari' (cart track), directed the respondent authorities not to allot any house site patta in the subject land except in accordance with law. In the absence of any material evidencing that the subject land has been allotted in favour of the petitioner, the petitioner cannot claim any right over the subject property. When there is a serious

dispute with regard to the assignment of house site patta as well as title and possession and further that the house tax receipts placed on record do not correlate to the subject property, this Court cannot decide the matter by exercising jurisdiction under Article 226 of Constitution of India. It is well settled law that the High Court cannot allow the constitutional jurisdiction to be used for deciding disputes, for which remedies, under the general law, civil or criminal, are available. It is not intended to replace the ordinary remedies by way of a suit or application available to a litigant. As no valid point is made out by the petitioner warranting interference of this Court, the writ petition is devoid of merits and is liable to be dismissed.

7. Accordingly, the Writ Petition is dismissed. However the parties are not precluded to approach appropriate civil court. There shall be no order as to costs.

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

JUSTICE RAVI CHEEMALAPATI

Date: 01.12.2025
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THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI

WRIT PETITION NO: 33343/2023

Date: 01.12.2025
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