

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

FRIDAY, THE TWENTY SIXTH DAY OF MARCH,
TWO THOUSAND AND TWENTY FOUR

:PRESENT:

THE HONOURABLE SRI JUSTICE G.NARENDAR
WRIT PETITION Nos. 24149 and 37105 OF 2018



WRIT PETITION NO: 24149 OF 2018

Between:

1. K.Venkataramana, S/o. Venkateswarlu, 64 yrs., R/o. 28/462/B, Nunepalli village, Nandyal Mandal, Kurnool District.
2. Smt. P.Nagamma, W/o. P.Pullaiyah, 58 yrs., R/o. 28/54, Nunepalli, Nandyal Mandal, Kurnool District.
3. Smt. Nusum Tajun, W/o. Nabi Rasool, 39 yrs., R/o. H.No. 4-191-A, Chand Bada, Nandyal, Kurnool District.

.... Petitioners

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary, Revenue Department, Secretariat Buildings, Velagapudi, Amaravathi Capital Region Area, Guntur District.
2. The District Collector, Kurnool District, at Kurnool.
3. The Revenue Divisional Officer, Nandyal, Kurnool District.
4. The Tahsildar, Nandyal Mandal, Nandyal Kurnool District.

..... Respondents

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 an appropriate Writ, Order or direction more particularly on in the nature Writ of Mandamus declaring the action of the 3rd & 4th respondents in resorting to assign/allot the Petitioners house site plots Nos.

65,47 & 52, respectively in Sy.Nos. 280 & 51 of Nunepalli village, Nandyal Mandal, Kurnool District to third parties, though pattas granted in favour of the petitioners by the then 4th respondent Tahsildar in R.Dis. No.490/2008 dated 05.05.2008 are subsisting and were also identified under the NTR Housing Scheme for subsidy, only by succumbing to political pressures in flagrant disregard to law, as being illegal, arbitrary and is in violation of Articles 14,21 and 300-A of the Constitution of India and consequently direct the respondents not to interfere with the peaceful possession and enjoyment of the petitioners over the aforesaid plots by dispossession or otherwise.

IA NO: 1 OF 2018 (WPMP NO.1 OF 2018)

Petition under Section 151 CPC is filed praying that in the circumstances stated in the affidavit filed in support of the Writ petition, the High Court may be pleased to direct the respondents not to interfere with the peaceful possession and enjoyment of the petitioners over the plots bearing Nos. 65,47 & 52 respectively in Sy.No.280 & 51 of Nunepalli Village, Nandyal Mandal, Kurnool District by dispossession or otherwise, pending disposal of the WP No.24149 of 2018 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 the Orders of High Court dated 13.07.2018, 05.07.2021, 23.08.2021, 09.09.2022, 10.10.2022, 02.11.2022, 01.12.2022, 13.12.2022, 22.12.2022, 05.01.2023, 31.01.2023 & 15.02.2023 & 03.03.2023 made herein and upon hearing the arguments of Sri.KALEEMULLA S., Advocate for the Petitioners, and G.P. FOR REVENUE for respondents.

WP NO: 37105 OF 2018

Between:

1. Smt. Atharu Ansari, W/o. Jakeer Hussain, 33 years, R/o. H.No. 28/1080A, R.S.Road, Goods shed, Nunepalli village, Nandyal Mandal, Kurnool District.

2. Smt. P.Renuka, W/o. Girinath, 28 years, R/o. H.No. 28/474A, Nunepalli, Nandyal Mandal, Kurnool District.
3. Smt. B.Vani, W/o. Raju, 37 years, R/o. H.No. 28-1052-93, Devinagar, Nandyal, Kurnool District.

...Petitioners

AND

1. The State of Andhra Pradesh, Rep. by its Principal Secretary, Revenue Department, Secretariat Buildings, Velagapudi, Amaravathi, Guntur District.
2. The District Collector, Kurnool District at Kurnool.
3. The Revenue Divisional Officer, Nandyal, Kurnool District.
4. The Tahsildar, Nandyal Mandal, Nandyal, Kurnool District.

...Respondents

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 writ, order or direction more particularly one in the nature Writ of Mandamus declaring the action of the 3rd and 4th respondents in resorting to assign/allot the Petitioners house site plots Nos. 165, 64 and 56 respectively in Sy. No. 280 of Nunepalli village, Nandyal Mandal, Kurnool District to third parties, though pattas granted in favour of the petitioners by the then 4th respondent Tahsildar in R. Dis.No. 490/2008 dated 05.05.2008 are subsisting, only by succumbing to political pressures in flagrant disregard to law, as being illegal, arbitrary and is in violation of Articles 14, 21 and 300-A of the Constitution of India and consequently direct the respondents not to interfere with the peaceful possession and enjoyment of the petitioners over the aforesaid plots by dispossession or otherwise.

IA No. 1 OF 2021

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 extend the interim orders granted on 11.10.2018 in W.P.No.37105/2018 until further orders, pending disposal of W.P.No.37105 of 2018, on the file of the High Court.

IA NO: 1 OF 2018

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 not to interfere with the peaceful possession and enjoyment of the petitioners over the plots bearing Nos. 165, 64 and 56 respectively in Sy. No. 280 of Nunepalli village, Nandyal Mandal, Kurnool District by dispossession or otherwise, pending disposal of WP 37105 of 2018, 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 the order of the High Court dated 11-10-2018, 26-02-2021, 01.07.2021, 23.08.2021 & 03.03.2023 made herein and upon hearing the arguments of SRI.KALEEMULLA S., Advocate for the Petitioners and of GP for Revenue for the Respondent Nos.1 to 4 the Court made the following:

ORDER:

“The 4th Respondent – Tahsildar shall submit a report to this Court by the next date of hearing as to whether the petitioners are persons, who are below the poverty line or not.

List on 08.05.2024. ”

//TRUE COPY//

SD/- K. SRINIVASA RAJU
A ASSISTANT REGISTRAR

For A SECTION OFFICER
REGISTRAR

To,

1. The Tahsildar, Nandyal Mandal, Nandyal Kurnool District.(by **SPEED POST**)
2. One CC to Sri.KALEEMULLA S., Advocate [OPUC]
3. Two CCs. G.P. FOR REVENUE, High Court of AP at Amaravathi (OUT)
4. One spare copy

SRL

HIGH COURT

GN,J

DATED:26.04.2024

NOTE : LIST ON 08.05.2024

ORDER

WP.Nos.24149 & 37105 OF 2018

DIRECTION

