

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

WEDNESDAY, THE EIGHTH DAY OF APRIL,
TWO THOUSAND AND TWENTY SIX

:PRESENT:

HONOURABLE SRI JUSTICE NYAPATHY VIJAY
WRIT PETITION NO: 7126 OF 2016



Between:

1. Vegesna Subba Raju, S/o. late Satyanarayanal Raju, aged about 75 years, R/o.Plot No.181, Seethapuram Colony, Poranki, Penamuluru Mandal, Krishna District.
2. Vegesna Murthy Raju, S/o. Subba Raju aged about 40 years, R/o.Plot No.181, Seethapuram Colony, Poranki, Penamuluru Mandal, Krishna District.

...Petitioners

AND

1. The State of AP., represented by the Principal Secretary (Revenue), A.P. Secretariat, Hyderabad.
2. The District Collector, Eluru, West Godavari District.
3. The Revenue Divisional Officer, Narasapuram, West Godavari Dist.
4. The Tahsildar, Palakol, West Godavari District.
5. A.V.V.S.Suryanarayana Raju, S/o.Ramakrishna Raju, aged 58 years, R/o.NSTL, Visakhapatnam.

...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 order, direction or writ, more particularly one in the nature of a Writ of Mandamus declaring the in action of the respondents in initiating the action against the 5th respondent for violating the conditions incorporated in the D-Form patta B42586/77 dated 6-12-1977 by causing obstruction to the cart track as well as the drainage (Murugukondu) situated in Sy.No.164 and

183 of Sivadevuni Chikkala Village, Palakol Mandal, inspite of the representqtions dt.11-11-2013,- 7-1-2014, 3-7-2014, 5-11-2014 and 15-12-2014 submitted by the petitioners herein as illegal arbitrary contrary to law and violation of Art.300-A of consequently direct the respondents 1 to 4 to consider the representations submittted by the petitioners and initiate action against the 5th respondent for violating the conditions mentioned in the patta and also to restore cart track and the drainage (Murugukodu) situated in Sy.No.164 and 183 Sivadevuni Chikkala Village, Palakol Mandal to its normal possession.

IA NO: 1 OF 2016 (W.P.M.P.No.9094 of 2016):

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 1 to 4 to see that the 5th respondent not to obstruct the petitioners from using the cart track situated in Sy.No.164 and 183 over the drainage bund Sivadevuni Chikkala Village, Palakol Mandal, West Godavari District, Pending disposal of WP 7126 of 2016, on the file of the High Court.

IA 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 3 and 4 along with the Joint Collector and Superintedent Engineer, Irrigation Department, to implement the proceedings in Rc. No. 536/A2/2014, dated 07-12-2017., pending disposal of WP 7126 of 2016, 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 earlier orders of the High court dated 21.08.2025 made herein and upon hearing the arguments of Sri V.V.Ravi Prasad, Advocate for the Petitioners, Assistant GP for Revenue for the

Respondent Nos.1 to 4 and of Sri K.V.L.Narasimha Rao, Advocate for the respondent No.5, the Court made the following;

ORDER:

The present writ petition is filed declaring the action of Respondents in not initiating any action against Respondent No.5 for violating the conditions incorporated in Dform patta dated 06.12.1977 by causing obstruction to the cart track as well as the drainage (Murugukondu) situated in Sy.Nos.164 and 183 of Sivadevuni Chikkala Village, Palakol Mandal, inspite of the representations as illegal and arbitrary.

Petitioner is owner of an extent of Ac.3.39 cents in Sy.Nos.163/1A and 163/2B and Ac.2.00 cents in Sy.No.158 situated in Sivadevuni Chikkala Village, Palakol Mandal, West Godavari District. Adjacent to the land of the Petitioner, there is a drainage channel, locally called Murugukondu.

Respondent No.5 was granted D-Form patta on 06.12.1977. However, Respondent No.5 had occupied part of the drainage channel (Murugukondu) and had raised coconut trees in the said land.

This Court, taking note of the submissions, directed Respondent Nos.2 and 3 to clear the drainage channel (Murugukondu) and restore it to its normal position and file an affidavit to that extent. Pursuant thereto, Respondent Nos.2 and 3 had filed an affidavit stating that the drainage channel (Murugukondu) was restored to its original position.

Learned counsel for the Petitioner disputes the same.

Heard learned counsel for both the parties.

Considering that the dispute now raised requires firsthand information at the field level, this Court is of the opinion that the controversy can be resolved by appointing an Advocate Commissioner to visit the subject lands and file a report by the next date. Learned counsel for the Petitioner expresses his willingness for appointment of an Advocate Commissioner and bear costs.

Therefore, there shall be an interim direction as under:

- (i) Sri S. V. Maruti Sankar (25604) is appointed as Advocate Commissioner to visit the land in question and note down the status of drainage channel (Murugukondu) situated in Sy.Nos.164 and 183 of Sivadevuni Chikkala Village, Palakol Mandal and submit a report by the next date. The Irrigation Officers, Revenue Officials and the Executive Officer of the local Gram Panchayat shall be present along with revenue records and irrigation channel map and help the Advocate Commissioner in noting the status of the drainage channel.
- (ii) Registry to furnish a scanned copy of the entire file to the Advocate Commissioner.
- (iii) The Advocate Commissioner shall issue prior notice to the counsel for the Petitioners, Respondents and Government Pleader for Irrigation.
- (iv) The Official Respondents shall extend cooperation and protection to the Advocate Commissioner.
- (v) The fees of the Advocate Commissioner is fixed at Rs.40,000/- and an additional sum of Rs.10,000/- to meet his expenses. The amount shall be paid by the Petitioner.

Post on 28.04.2026.

Sd/-U.SRIDEVI
DEPUTY REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The Principal Secretary (Revenue), State of AP., Velagapudi, Guntur District, Guntur. (by **Special Messenger**)
2. The District Collector, Eluru, West Godavari District.
3. The Revenue Divisional Officer, Narasapuram, West Godavari Dist.

4. The Tahsildar, Palakol, West Godavari District.
5. A.V.V.S.Suryanarayana Raju, S/o.Ramakrishna Raju, aged 58 years, R/o.NSTL, Visakhapatnam. (**Addressee nos.1 to 5 by RPAD**)
6. One CC to Sri V.V.Ravi Prasad, Advocate [OPUC]
7. One CC to Sri S.V.Maruti Sankar (25604), Advocate (**along with scanned copy of the entire file**)
8. Two CCs to GP for Revenue, High Court of Andhra Pradesh. [OUT]
9. One CC to Sri K.V.L.Narasimha Rao Advocate [OPUC]
10. One spare copy

HIGH COURT

VN,J

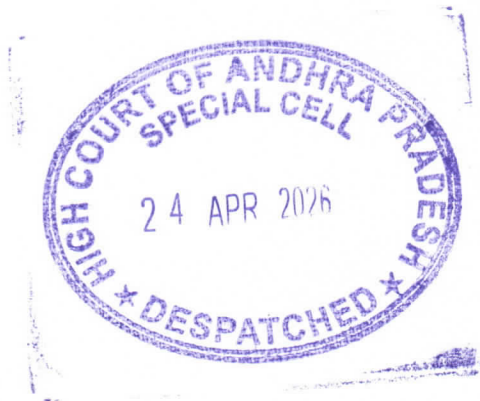
DATED: 08/04/2026

POST ON 28.04.2026

ORDER

WP.No.7126 of 2016

ORDER OR ADVOCATE COMMISSIONER



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

WEDNESDAY, THE EIGHTH DAY OF APRIL,
TWO THOUSAND AND TWENTY SIX

:PRESENT:

HONOURABLE SRI JUSTICE NYAPATHY VIJAY
WRIT PETITION NO: 7126 OF 2016



Between:

1. Vegesna Subba Raju, S/o. late Satyanarayanal Raju, aged about 75 years, R/o.Plot No.181, Seethapuram Colony, Poranki, Penamuluru Mandal, Krishna District.
2. Vegesna Murthy Raju, S/o. Subba Raju aged about 40 years, R/o.Plot No.181, Seethapuram Colony, Poranki, Penamuluru Mandal, Krishna District.

...Petitioners

AND

1. The State of AP., represented by the Principal Secretary (Revenue), A.P. Secretariat, Hyderabad.
2. The District Collector, Eluru, West Godavari District.
3. The Revenue Divisional Officer, Narasapuram, West Godavari Dist.
4. The Tahsildar, Palakol, West Godavari District.
5. A.V.V.S.Suryanarayana Raju, S/o.Ramakrishna Raju, aged 58 years, R/o.NSTL, Visakhapatnam.

...Respondents

Whereas 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 order, direction or writ, more particularly one in the nature of a Writ of Mandamus declaring the inaction of the respondents in initiating the action against the 5th respondent for violating the conditions incorporated in the D-Form patta

B42586/77 dated 6-12-1977 by causing obstruction to the cart track as well as the drainage (Murugukondu) situated in Sy.No.164 and 183 of Sivadevuni Chikkala Village, Palakol Mandal, inspite of the representqtions dt.11-11-2013, 7-1-2014, 3-7-2014, 5-11-2014 and 15-12-2014 submitted by the petitioners herein as illegal arbitrary contrary to law and violation of Art.300-A of consequently direct the respondents 1 to 4 to consider the representations submitted by the petitioners and initiate action against the 5th respondent for violating the conditions mentioned in the patta and also to restore cart track and the drainage (Murugukodu) situated in Sy.No.164 and 183 Sivadevuni Chikkala Village, Palakol Mandal to its normal possession;

AND whereas the Court upon perusing the petitioner and affidavit filed in support thereof and the earlier orders of the High court dated 21.08.2025 made herein and upon hearing the arguments of Sri V.V.Ravi Prasad, Advocate for the Petitioners, Assistant GP for Revenue for the Respondent Nos.1 to 4 and of Sri K.V.L.Narasimha Rao, Advocate for the respondent No.5, appointed Sri S.V.Maruti Sankar, Advocate as Advocate Commissioner to visit the land in question and note down the status of drainage channel (Murugukondu). Therefore you viz;

Sri S.V.Maruti Sankar, Advocate

are hereby appointed as Advocate Commissioner, you shall visit the land in question and note down the status of drainage channel (Murugukondu) situated in Sy.Nos.164 and 183 of Sivadevuni Chikkala Village, Palakol Mandal and submit a report by the next date.

You shall be helped by the Irrigation Officers, Revenue Officials and the Executive Officer of the local Gram Panchayat shall be present along with revenue records and irrigation channel map in noting the status of the drainage channel

you shall, issue prior notice to the counsel for the Petitioners, Respondents and Government Pleader for Irrigation.

You are informed that your fee for this purpose is fixed at Rs.40,000/- and an additional sum of Rs.10,000/- to meet his expenses. The amount shall be paid by the Petitioners.

Sd/- U. Sri Devi
DEPUTY REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. Sri S.V.Maruti Sankar, Advocate (High Court Advocate). (By **SPECIAL MESSENGER**- along with copy of petition & affidavit and all material papers)
2. One spare copy

HIGH COURT

VN,J

DATED: 08/04/2026

POST ON 28.04.2026

ORDER

WP.No.7126 of 2016

APPOINTMENT OF ADVOCATE COMMISSIONER

