

**HIGH COURT OF ANDHRA PRADESH: AMARAVATI**

TUESDAY, THE SIXTEENTH DAY OF JULY  
TWO THOUSAND AND NINETEEN

**:PRESENT:**

**THE HONOURABLE SRI JUSTICE M.SEETHARAMA MURTI**

**WRIT PETITION NO: 3535 OF 2019**

**Between:**

D.Radha Krishna Murthy, S/o Alluraiah Raju,

**Petitioner**

**AND**

1. The State of Andhra Pradesh , represented by its Principal Secretary, Revenue Department, Secretariat of A.P., Tullur, Amaravathy, Guntur District.
2. The District Collector, Guntur District, at Guntur.
3. The Revenue Divisional Officer, Tenali Division, Guntur District.
4. The Tahasildar, Pittalavanipalem Mandal, Guntur District.
5. Mandal Development Officer, Pittalavanipalem Madanl, Guntur District.
6. Assistant Director, Survey and Land Records, Guntur, Guntur District.
7. Vegesana Radhakrishna, S/o Venkatapati Raju, Occ Chairman of Care Educational Institute, Pittalavanipalem Village and Mandal, Guntur 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 a Writ, Order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents 2 to 4 in not reviving and restoring the Field Channel situated in Sy No. 452 which is classified as Donka and Tank situated in an extent of Ac 2.07 cents in Sy No.454/IA of Pittalavanipalem Village and Mandal, Guntur District and not removing the illegal encroachments made by the 7<sup>th</sup> respondent in an extent of Ac 0.82 cents Sy No. 452 which is classified as Donka and Tank situated in an extent of Ac 2.07 cents in Sy No.454/1A and other Government land in an extent of Ac 0.65 cents in Sy.No. 454/1B, Ac 2.32 cents in Sy No. 452/2 of Pittalavanipalem Village and Mandal, Guntur District as being illegal, arbitrary and violative of Art 14, 21 and 51 A of constitution of India and opposed to A.P Water, Land and Trees Act 2002 and Rules 2004;

**IA NO: 1 OF 2019**

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in the W.P., the High Court may be pleased to grant interim directions directing the respondents 2 to 5 to restore and revive the Field Channel/ drain canal by removing the encroachments made in an extent of Ac 0.82 cents situated in Sy No. 452 which is classified as Donka and Tank situated in Sy No.454/1A of Pittalavanipalem Village and Mandal, Guntur District forthwith, pending disposal of WP No. 3535 of 2019, 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 order dated 27.03.2019 made herein and upon hearing the arguments of SMT.T.V.SRI DEVI Advocate for the Petitioner, Learned Government Pleader for Revenue for respondents 1 to 4 and 6 and of Sri G.Seshadri, learned Standing Counsel for 5<sup>th</sup> respondent, the Court made the following.

**ORDER:**

Learned counsel for the writ petitioner seeks time for filing reply affidavit in answer to the vacate stay petition filed by the 7<sup>th</sup> respondent.

Learned counsel for the vacate stay petitioner submits that a Contempt Case has been filed against the official respondents for implementation of the interim order, dated 27.03.2019, of this Court and that if the said official respondents under threat of contempt implement the order, the 7<sup>th</sup> respondent would suffer serious and irreparable loss.

Leaned Government Pleader for Revenue appearing for the official respondents would submit that the 5<sup>th</sup> respondent is required to submit a status report and that until then, the official respondents cannot proceed further in the matter.

Learned counsel for the writ petitioner undertakes that Contempt Case will not be pressed for hearing until further orders of this Court.

The said undertaking is placed on record.

For reply affidavit, post on 23.07.2019.

**//TRUE COPY//** **ASSISTANT REGISTRAR**

**To,** **For ASSISTANT REGISTRAR**

- 1 The Principal Secretary, Revenue Department, State of Andhra Pradesh , Secretariat of A.P., Tullur, Amaravathy, Guntur District.
- 2 The District Collector, Guntur District, at Guntur.
- 3 The Revenue Divisional Officer, Tenali Division, Guntur District.
- 4 The Tahasildar, Pittalavanipalem Mandal, Guntur District.
- 5 The Mandal Development Officer, Pittalavanipalem Madanl, Guntur District.
- 6 The Assistant Director, Survey and Land Records, Guntur, Guntur District.
- 7 Vegesana Radhakrishna, S/o Venkatapati Raju, Occ Chairman of Care Educational Institute, Pittalavanipalem Village and Mandal, Guntur District. (1 to 7 By RPAD).
- 8 One CC to Ms. T.V. Sridevi, Advocate [OPUC]
- 9 One CC to Sri G.Seshadri, Advocate [OPUC]
- 10 Two CCs to GP for Revenue, High Court of A.P., [OUT]
- 11 One spare copy

**Tvr**

**HIGH COURT**

**MSRM, J**

**DATED:16.07.2019**

**NOTE: POST ON 23.07.2019**

**ORDER**

**WP.No.3535 of 2019**

**DIRECTION**

**DRAFTED BY: tvr**  
**DRAFTED ON: 22.07.2019**

**HIGH COURT**

**MSRM, J**

**DATED:16.07.2019**

**NOTE: POST ON 23.07.2019**

**ORDER**

**WP.No.3535 of 2019**

**DIRECTION**