

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

FRIDAY, THE SEVENTEENTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY THREE

PRESENT

THE HONOURABLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION NO: 4362 OF 2019



Between:

S NASEEMA, W/o. S. Rahamathulla, aged about 27 years, R/o. H.No.3-31,
Kampasamudram Coloni, Ramakuppam Mandal, Chittoor District.

...Petitioner

AND

1. THE STATE OF AP, Rep. by its Principal Secretary, Panchayat Raj Department, Secretariat Buildings, Amaravathi, Guntur District.
2. The District Collector, Chittoor District at Chittoor.
3. The Tahsildar, Ramakuppam Mandal, Chittoor District.
4. The Mandal Prajaparishad Development Officer, Ramakuppam Mandal, Chittoor District.
5. The Gram Panchayat, Ramakuppam Gram panchayat, Ramakuppam, Chittoor District, rep.by its Secretary.
6. Anji, S/o. Late Budda Rangappa, R/o. Mittapally Village, Ramakuppam Mandal, Chittoor 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 or direction more particularly one in the nature of Writ of Mandamus, declaring the action of the respondents 3 to 5 in not to demolish the construction made by the petitioner vide Plot No. 25 to an extent of Ac. 0.02 cents situated at Thimmasamudram Village, Ramakuppam Mandal, Chittoor District is illegal and violation of principles of

natural justice and consequently direct the respondents not to interfere with the peaceful possession of the writ petition vide plot No.25 to an extent of Ac. 0.02 cents situated at Thimmasamudram Village, Ramakuppam Mandal, Chittoor District, without following due process of law, forthwith.

IA NO: 1 OF 2019

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 of the writ petition vide plot No.25 to an extent of Ac. 0.02 cents situated at Thimmasamudram Village, Ramakuppam Mandal, Chittoor District, without following due process of law.

Counsel for the petitioner	: Sri C.Prakash.
Counsel for respondent No.1	: GP for Panchayat Raj
Counsel for respondent No.2&3	: GP for Revenue
Counsel for respondent No.4&5	: G.Venkata Reddy, Standing Counsel
Counsel for respondent No.6	: Sri J.M Naidu

The Court made the following:

IN THE HIGH COURT OF ANDHRA PRADESH : AMARAVATI

THE HON'BLE SRI JUSTICE SUBBA REDDY SATTI

WRIT PETITION No.4362 OF 2019

Between:

S.Naseema, W/o S.Rahamathulla, Aged
about 27 years, R/o H.No.3-
31,Kampasamudram coloni, Ramakuppam
Mandal, Chittor District.

... Petitioner

And

The State of Andhra Pradesh, represented by
its Principal Secretary, Panchayat Raj
Department, Secretariat Buildings,
Amaravati, Guntur District and five others.

... Respondents

Counsel for the petitioner	: Sri C.Prakash.
Counsel for respondent No.1	: GP for Panchayat Raj
Counsel for respondent No.2&3	: GP for Revenue
Counsel for respondent No.4&5	: G.Venkata Reddy, Standing counsel
Counsel for respondent No.6	: Sri J.M Naidu.

ORDER

The above writ petition is filed to declare the action of
respondent Nos.3 to 5 in demolishing the construction made by
the petitioner in Plot No.25 in an extent of Ac.0.02 cents

situated at Thimmasamudram Village, Ramakuppam Mandal, Chittoor District, as illegal and arbitrary.

2. Averments in the affidavit, in brief are, that the then Tahsildar issued house site patta *vide* VHS No.855/1948/2015 dated 07.11.2015, in an approved layout in the year 2015. The District Collector issued proceedings for sanction of house *vide* order No.186525/APSHCL/NTR RH 2019-20/Kuppam A C/E3 dated 29.12.2018. The petitioner constructed thatched house. The Government also granted Rs.1,50,000/- under NTR Grameena Gruha Nirmana Pathakam in the name of petitioner's mother-in-law by name S.Fathima. The petitioner also obtained electricity service connection *vide* No.31800378 from Kuppam Rural Electricity Board. Respondent No.6, due to political rivalry with the help of local politicians, without there being any documentary evidence, is trying to dispossess the petitioner. Petitioner submitted representation dated 09.05.2017 to respondent No.3. Respondent No.3, in turn, directed the Village Revenue Officer to investigate and submit a detailed report. Petitioner intended to construct the pucca house. When respondent No.6 tried to remove the property of the petitioner,

petitioner lodged complaint before the Station House Officer of Ramakuppam. Since no action is been taken by the officials, the above writ petition is filed.

3. Heard Sri C.Prakash, learned counsel for the petitioner and learned Assistant Government Pleader for Revenue appearing for respondent Nos.2 & 3 and Sri G.Venkata Reddy, learned Standing Counsel appearing for respondent Nos.4 & 5 and Sri J.M Naidu, learned counsel appearing for respondent No.6.

4. Learned Assistant Government Pleader for Revenue, on instructions of Tahsildar *vide* Roc.No.A/102/2023 dated 17.11.2023, would submit that respondent authorities never disturbed the petitioner's possession and enjoyment and there is no proposal to acquire the suit schedule land.

5. As seen from the pleadings and material papers filed along with the writ petition coupled with the instructions of Tahsildar dated 17.11.2023 and there is no dispute that petitioner was issued house site patta *vide* VHS No.855/1948/2015 dated 07.11.2015 of an extent of Ac.0.02 cents in Plot No.25 situated

at Thimmasamudram Village, Ramakuppam Mandal, Chittoor District.

6. Sri J.M.Naidu, learned counsel appearing for respondent No.6 would contend that the authorities issued house site to the wife of respondent No.6 herein.

7. The grievance of petitioner in the writ petition is that respondent Nos.3 & 5 are interfering. However, the instructions of the Tahsildar would disclose that respondent Nos.2 & 3 are not interfering with the possession of the petitioner. Learned Standing Counsel appearing for respondent Nos.4 & 5 on instructions would submit that respondent Nos.4 & 5 are not interfering with the possession of the petitioner.

8. In view of the instructions of the Tahsildar and the instructions submitted by the learned Standing counsel appearing for respondent nos.4 & 5, the apprehension of the petitioner that respondent Nos.2 to 5 are interfering with the possession of the petitioner, is misconceived. If respondent No.6 private individual is interfering with the petitioner's possession, petitioner has to invoke common law jurisdiction. This court is

of the opinion that the writ petition against the respondent No.6 is not maintainable.

9. In view of the instructions submitted by the learned counsel, no further adjudication is required in the writ petition.

10. Accordingly, the Writ Petition is closed. However, it is open to the petitioner to challenge, if any cause of action arose. There shall be no order as to costs.

As a sequel, pending miscellaneous petitions, if any, shall stand dismissed.

//TRUE COPY//

SD/- K SRINIVASA RAJU
ASSISTANT REGISTRAR

SECTION OFFICER

To,

1. One CC to SRI PRAKASH C Advocate [OPUC]
2. Two CCs to GP FOR PANCHAYAT RAJ RURAL DEV (AP), High Court of Andhra Pradesh [OUT]
3. Two CCs to GP FOR REVENUE, High Court of Andhra Pradesh
4. One CC to SRI G VENKAT REDDY, STANDING COUNSEL
5. One CC to SRI J.M. NAIDU, Advocate
6. One CC to SRI G. SESHADRI, Advocate
7. Three CD Copies

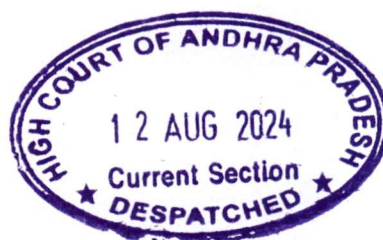
CVSS

HIGH COURT

DATED:17/11/2023

ORDER

WP.No.4362 of 2019



CLOSING THE W.P. WITHOUT COSTS