

APHC010130432025



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

[3329]

FRIDAY ,THE TWENTY FIRST DAY OF MARCH
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 7211/2025

Between:

E Santhakumar

...PETITIONER

AND

The State Of Andhra Pradesh and Others

...RESPONDENT(S)

Counsel for the Petitioner:

1.CH VENKAT RAMAN

Counsel for the Respondent(S):

1.GP FOR REVENUE

The Court made the following ORDER:

The Writ Petition under Article 226 of the Constitution of India is filed by
the Petitioner for the following relief:

“to issue an order or orders more particularly one in the nature
of the writ of mandamus by declaring the action of the
Respondents No.2 to 4 in conducting the survey to the
Petitioner land in Sy.No 301/1 to an extent of Ac.0.16 cents
situated at R.Mallavaram Village, Renigunta Mandal, Tirupathi
District without issuance of prior notice is illegal, arbitrary

unjust violation of rights guaranteed by the Constitution of India and Violation of Article 14, 19, 22 of the Constitution of India and pass such order or orders...”

2. The learned counsel for the petitioner submits that the petitioner is the absolute owner and possessor of the subject land, admeasuring to an extent of Ac. 0.16 cents in Sy. No. 301/1, situated at R. Mallavaram Village, Renigunta Mandal, Tirupati District. The subject land was assigned to the ancestors of the petitioner, and he was also issued a possession certificate dated 02.08.1988 in the favor of petitioner's father. After demise petitioner's father, the petitioner has been in continuous possession and enjoyment of the subject property. However, certain land grabbers are trying to unlawfully occupy the petitioner's property. For which, the petitioner instituted Suit O.S. No. 492 of 2023 before the Additional Junior Civil Judge at Tirupati, and an injunction order in I.A. No. 175 of 2023 was granted in his favor. Despite the court's order, the land grabbers continue to make attempts to encroach the subject land of the petitioner. To address this issue, the petitioner submitted a representation to the 2nd respondent on 10.02.2025, requesting to take action against the encroachers. However, on 06.02.2025, respondents Nos. 3 and 4 conducted a survey of the subject property without obtaining the petitioner's consent, without issuing any prior notice, and without considering the petitioner's representation dated 10.02.2025, which is contrary to law. Hence, the present writ petition.

3. Though the petitioner made several allegations against the respondents, during hearing, learned counsel for the petitioner requested this Court, without touching the merits of the case, to issue a direction to the respondents to consider the representation dated 10.02.2025 of the Petitioner.

4. Learned Standing Counsel for Respondents readily agreed to consider the representation of the petitioner dated 10.02.2025, if any pending with the authorities.

5. Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue appearing for the respondents.

6. In view of the submission of the learned Standing Counsel for Respondents, this Court need not decide the truth or otherwise of the allegations made in the petition. This Court is conscious that no such direction be issued, in view of the judgment of the Apex Court in “**The Government of India v. P.Venkatesh**”¹, wherein the Apex Court held that such orders may make for a quick or easy disposal of cases in overburdened adjudicatory institutions. But, they do no service to the cause of justice. As the learned counsel for the petitioner himself requested to issue a direction to consider

¹ 2019 (8) SCALE 544

the representation 10.02.2025, this Court find no other alternative except to issue such direction.

5. In the result, the writ petition is disposed of, directing the respondents to dispose of the representation 10.02.2025 of the Petitioner within three (03) months from the date of receipt of a copy of this order by passing a speaking order. No costs.

Consequently, interlocutory applications pending, if any, shall also stand closed.

VENKATESWARLU NIMMAGADDA,J

Dt:21.03.2025
klk

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THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 7211 of 2025

21.03.2025
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