

APHC010180292012



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

[3310]

TUESDAY ,THE TENTH DAY OF SEPTEMBER  
TWO THOUSAND AND TWENTY FOUR

**PRESENT**

**THE HONOURABLE DR JUSTICE K MANMADHA RAO**

**WRIT PETITION NO: 33879/2012**

**Between:**

Indukuri Venkata Subbamma W/o Late Sathyanarayana      **...PETITIONER(S)**  
Raju and Others

**AND**

The Government Of A P Rep By Its Secretary and Others **...RESPONDENT(S)**

**Counsel for the Petitioner(S):**

1.G KRISHNA MURTHY

**Counsel for the Respondent(S):**

1.T BALAJI

2.GP FOR ENDOWMENTS

**The Court made the following:**

**ORDER:**

This Writ Petition under Article 226 of the Constitution of India is filed seeking the following relief:

*".....to issue a writ order or direction more particularly one in the nature of writ of Mandamus declaring the action of the 5<sup>th</sup> respondent in issuing legal notice, dt 09.07.2012 calling upon the 2<sup>nd</sup> petitioner to handover the possession of land to an extent of Ac.2.29 cents of dry*

*land in R.S.No.85/2 of Velagadurru Village Undrajavaram Mandal, West Godavari District is illegal arbitrary, unconstitutional without authority of law offend Article 21 of Constitution of India and contrary to the rules framed in G.O.Ms.No.379 Revenue (Endowments I) dt 11.03.2003 and provisions of Act 30 of 1987 (Amended Act 27 of 2002) and consequently direct the respondents to declare the 2<sup>nd</sup> petitioner as landless poor and continue him as a lessee as a legal heir of his deceased father....”*

2. The case of the petitioners in brief is that the father of the 2<sup>nd</sup> petitioner was an cultivating tenant and he was cultivating the land to an extent of Ac.2.29 cents of dry land belonging to the 5<sup>th</sup> respondent Devasthanam in R.S.No.85/2 of Velagadurru Village, Undrajavaram Mandal, West Godavari District since 1970. After amended Act 27 of 2002 came into force, the father of the 2<sup>nd</sup> petitioner was declared as landless poor by the 4<sup>th</sup> respondent *vide* proceedings in Rc.No.A1/5272/2003, dated 23.02.2004 and the 4<sup>th</sup> respondent was directed to pay maktha @ Rs.13000/- being 2/3<sup>rd</sup> of market rate of similar lands of locality. The father of the 2<sup>nd</sup> petitioner was paying makthas without any default till his death and thereafter, the 2<sup>nd</sup> petitioner is in possession and enjoyment of the said land and he is cultivating as such. While so, the 2<sup>nd</sup> petitioner made a representations dated 28.09.2007 and 21.05.2009 to the Respondent Nos.5 and 2 requesting to continue the 2<sup>nd</sup> petitioner as lessee in respect of the subject land. Without considering the said representations, the 5<sup>th</sup> respondent has issued a legal notice, dated 09.07.2012 stating that the father of the 2<sup>nd</sup> petitioner was declared as landless poor and the 2<sup>nd</sup> petitioner is not entitled to be treated as landless

poor and directed the petitioners to handover the possession of the land on receipt of the notice. Aggrieved by the same, the present Writ Petition is filed.

3. Heard Smt Hari Swapna, learned counsel for the petitioners and the learned Assistant Government Pleader for Endowments appearing for the respondents.

4. On hearing, learned counsel appearing for the petitioners requests time to get instructions from the matter. However, this matter is of the year 2012 and as seen from the docket proceedings, this Court on 31.10.2012 passed the following interim order:-

*“Heard Sri G.Krishna Murthy, learned counsel for the petitioners, Sri P.C.Reddy, learned Assistant Government Pleader for Endowments for Respondent Nos.1 to 4 and D.V.Sasidhar, learned counsel representing Sri V.T.M.Prasad, learned Standing Counsel for Endowments for the 5<sup>th</sup> respondent.*

*Apart from the contentions of the petitioners about the possibility of their relying on the declaration of their father as a landless poor and continuance in the subject lands as tenants, which claim has to be gone into on merits, the petitioners claim that they raised plantain crop in the subject lands, which standing crop is now existing. In law and equity, the petitioners will be justified in requesting for realizing the crop raised by them in the lands.*

*Therefore, the respondents shall not interfere with the possession of the petitioners in the subject lands, until further orders herein”.*

5. Learned Assistant Government Pleader for Endowments appearing for the respondents submits that in view of the interim order of this Court, dated 31.10.2012, the petitioners herein are in possession of the subject land till today. He further submits that if at all the respondents intend to dispossess the petitioners from the subject lands they will follow the due process of law.

6. Considering the submissions of the learned Assistant Government Pleader for Endowments, this Writ Petition is disposed of directing the respondents not to dispossess and not to evict the petitioners from the land to an extent of Ac.2.29 cents of dry land in R.S.No.85/2 of Velagadurru Village, Undrajavaram Mandal, West Godavari District without following due process of law.

There shall be no order as to costs.

As a sequel, miscellaneous applications pending, if any, shall also stand closed.

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**DR.K. MANMADHA RAO, J**

Date: 10.09.2024  
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