



**IN THE HIGH COURT OF ANDHRA PRADESH  
AT AMARAVATI**

**[3332]**

THURSDAY ,THE FIFTH DAY OF DECEMBER  
TWO THOUSAND AND TWENTY FOUR

**PRESENT**

**THE HONOURABLE SRI JUSTICE RAVI CHEEMALAPATI**

**WRIT PETITION NO: 7840/2021**

**Between:**

G. Hari Prasad, and Others

**...PETITIONER(S)**

**AND**

State Of Andhra Pradesh and Others

**...RESPONDENT(S)**

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

1.PANGA SIVANARAYANA

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

1.ADDL ADVOCATE GENERAL (AP)

**WRIT PETITION NO: 10451/2021**

**Between:**

A.bala Ganeshaiah, and Others

**...PETITIONER(S)**

**AND**

The Principle Secretary and Others

**...RESPONDENT(S)**

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

1.M KRISHNA CHAITANYA

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

1.GP FOR REVENUE

2.PANGA SIVANARAYANA

**WRIT PETITION NO: 11540/2021**

**Between:**

M.jaya Sekhar,

**...PETITIONER**

**AND**

The Principle Secretary and Others

**...RESPONDENT(S)**

**Counsel for the Petitioner:**

1.PHANI BABU YALAMANCHILI

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

1.GP FOR REVENUE

2.PANGA SIVANARAYANA

**WRIT PETITION NO: 11561/2021**

**Between:**

Zeelan Basha,

**...PETITIONER**

**AND**

The Principle Secretary and Others

**...RESPONDENT(S)**

**Counsel for the Petitioner:**

1.PHANI BABU YALAMANCHILI

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

1.GP FOR REVENUE

2.PANGA SIVANARAYANA

**WRIT PETITION NO: 11606/2021**

**Between:**

A. Ramanamma

**...PETITIONER**

**AND**

The Principle Secretary and Others

**...RESPONDENT(S)**

**Counsel for the Petitioner:**

1. PHANI BABU YALAMANCHILI

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

1. GP FOR REVENUE

2. PANGA SIVANARAYANA

**WRIT PETITION NO: 11608/2021**

**Between:**

Dudekula Mahaboobee,

**...PETITIONER**

**AND**

The Principle Secretary and Others

**...RESPONDENT(S)**

**Counsel for the Petitioner:**

1. PHANI BABU YALAMANCHILI

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

1. GP FOR REVENUE

2. PANGA SIVANARAYANA

**WRIT PETITION NO: 11625/2021**

**Between:**

G.manjula Vani,

**...PETITIONER**

**AND**

The Principle Secretary and Others

**...RESPONDENT(S)**

**Counsel for the Petitioner:**

1. PHANI BABU YALAMANCHILI

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

1. GP FOR REVENUE

2. PANGA SIVANARAYANA

**WRIT PETITION NO: 11635/2021**

**Between:**

P. Bujjalu

**...PETITIONER**

**AND**

The Principle Secretary and Others

**...RESPONDENT(S)**

**Counsel for the Petitioner:**

1.PHANI BABU YALAMANCHILI

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

1.GP FOR REVENUE

2.PANGA SIVANARAYANA

**WRIT PETITION NO: 11669/2021**

**Between:**

B.mallikarjuna,

**...PETITIONER**

**AND**

The Principle Secretary and Others

**...RESPONDENT(S)**

**Counsel for the Petitioner:**

1.PHANI BABU YALAMANCHILI

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

1.GP FOR REVENUE

2.PANGA SIVANARAYANA

**WRIT PETITION NO: 11712/2021**

**Between:**

Ningannagari Ramswamy,

**...PETITIONER**

**AND**

The Principle Secretary and Others

**...RESPONDENT(S)**

**Counsel for the Petitioner:**

1. PHANI BABU YALAMANCHILI

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

1. GP FOR REVENUE

2. PANGA SIVANARAYANA

**WRIT PETITION NO: 12301/2021**

**Between:**

Putluru Pakkappa,

**...PETITIONER**

**AND**

The Principle Secretary and Others

**...RESPONDENT(S)**

**Counsel for the Petitioner:**

1. PHANI BABU YALAMANCHILI

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

1. GP FOR REVENUE

2. PANGA SIVANARAYANA

**WRIT PETITION NO: 24891/2021**

**Between:**

G.nagaratnamma

**...PETITIONER**

**AND**

The Principle Secretary and Others

**...RESPONDENT(S)**

**Counsel for the Petitioner:**

1. RAVI CHANDRA BEJJARAM

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

1. GP FOR REVENUE

2. PANGA SIVANARAYANA

**The Court made the following:**

## **COMMON ORDER:**

Writ Petition No.7840 of 2021 is filed questioning the action of respondents for non implementation of the orders dated 16.04.1990 passed in O.P.No.120 of 1983 in the Court of the Chairman (District Judge) Tribunal under the Andhra Pradesh Land Grabbing (Prohibition) Act, Anantapur District.

Writ Petition Nos.10451, 11540, 11561, 11606, 11608, 11625, 11635, 11669, 11712, 12301 & 24891 of 2021 are filed questioning the notice dated 12.05.2021 under Form-V, Rule 15(2) of Andhra Pradesh Land Grabbing Act, 1982, issued by the revenue authorities concerned to the petitioners referring to the orders dated 16.04.1990 passed in O.P.No.120 of 1983.

As the reliefs sought in these writ petitions are interlinked and interconnected, these writ petitions are heard together and being disposed of by this common order.

2. Heard Sri Ghanta Rama Rao, learned Senior Counsel representing Sri Panga Siva Narayana, learned counsel for the writ petitioners in W.P.No.7840 of 2021, Sri Resu Mahendar Reddy, learned Senior Counsel representing Sri M.Krishna Chaitanya, learned counsel for the writ petitioners in Writ Petition Nos.10451, 11540, 11561, 11606, 11608, 11625, 11635, 11669, 11712, 12301 & 24891 of 2021 and Sri Krishna Praneeth, learned Assistant Government Pleader for Revenue.

3. Sri Ghanta Rama Rao, learned Senior Counsel while reiterating the contents of the writ affidavit submitted that O.P.No.120 of 1983 has been filed by the grandfathers of the petitioners before the Court of the Chairman

(District Judge) Tribunal, Ananatapur District, under Andhra Pradesh Land Grabbing (Prohibition) Act, 1982, and order has been passed on 16.04.1990 directing for removal of encroachments in schedule land situated in Sy.No.106/1, Ac.4.86 cents in A.Narayanapuram Panchayat and Sy.No.119-2, Ac.1.05 cents in Anathapuram Municipal Corporation, Ananthapuram Town and District. He further contended that as against the orders passed by the Tribunal, the original land grabbers approached the Appellate Authority by way of an appeal *vide* L.G.A.No.5 of 1990 and the same was dismissed on 30.11.1992. Thereafter, petitioners approached the 3<sup>rd</sup> respondent to implement the orders dated 16.04.1990, for no action by the 3<sup>rd</sup> respondent inspite of several representations, they filed W.P.No.7247 of 2019 wherein an award was passed by the National Lok Adalat on 08.02.2020. Even after passing of award by the Lok Adalat, the authorities (revenue) did not implement the orders of the Tribunal and evict the land grabbers from the O.P. Schedule property, as such, filed the present Writ Petition.

Learned counsel further submitted that this Court, on 28.04.2021 granted interim order directing the respondents to implement the orders passed in O.P.No.120 of 1983 dated 16.04.1990 by fixing time and for non-implementation of the said interim order, contempt case has also been filed *vide* C.C.No.1011 of 2021. He further submitted that questioning the said award dated 08.02.2020, the original land grabbers filed W.P.No.17768 of 2021 which was dismissed on 23.09.2021 and pursuantly, several other writ petitions were also filed. Feeling aggrieved by the same, Special Leave

Petition (SLP) (c) was preferred *vide* Civil Appeal No.6838 of 2023 and batch and the Hon'ble Supreme Court granted *Status quo re: possession shall be maintained in respect of the houses constructed at the site till the High Court considers all the issues in the pending writ petition or for a period of four (04) months and further, the award passed by the National Lok Adalat is akin to a decree passed by the Court of competent jurisdiction, as such, a decree can be assailed by way of a civil suit, as observed by the High Court, if it has been fraudulently obtained. If so advised, instead of pursuing the impleadment application and contesting the said writ petition, the appellants may pursue their remedy before the Civil Court. However, if the appellants contest the writ petition and fail to defend it successfully, the remedy by way of a suit shall be barred.* Pursuant to the said orders, the petitioners have filed respective civil suits before the Civil Court and in the meantime, the authorities have issued Form-V notices to all the parties including the petitioners in other writ petitions in order to implement the orders dated 16.04.1990. Assailing the said notices, other writ petitions *vide* W.P.Nos.10451, 11540, 11561, 11606, 11608, 11625, 11635, 11669, 11712, 12301 & 24891 of 2021 have been filed before this Court and the same cannot be entertained by this Court on the ground that the petitioners herein have already filed civil suits. He further submitted that it is a well settled principle of law that two parallel proceedings cannot be entertained and the other writ petitions has to be dismissed at the admission stage. More than 3 decades has been passed, but the petitioner herein has



not seen light of the orders passed in O.P.No.120 of 1983, as such, prayed to dismiss the other writ petitions by allowing W.P.No.7840 of 2021.

4. On the other hand, Sri Resu Mahendar Reddy, learned Senior Counsel in Writ Petition Nos.10451, 11540, 11561, 11606, 11608, 11625, 11635, 11669, 11712, 12301 & 24891 of 2021 mainly contended that in the O.P., the parties therein claimed land only to an extent of Ac.0.68 cents in Sy.No.106/1 but now they are claiming Ac.4.86 cents, this itself shows that they are not clear about their scheduled property. He further submitted that the authorities, in collusion with the writ petitioners in W.P.No.7840 of 2021, are trying to evict the petitioners in these writ petitions from their own property by issuing Form-V notices. In fact, they are also having property in the very same survey numbers in which the decree schedule is situated, as such, prayed to pass appropriate orders protecting the interests of the petitioners.

5. Sri Krishna Praneeth, learned Assistant Government Pleader submitted that the petitioners cannot say that the authorities are in collusion with the petitioners in W.P.No.7840 of 2021, there are no pleadings to the said effect and they cannot raise allegations against the officials. The authorities are taking steps to implement the orders of the O.P. and issued Form-V notices and the petitioners in writ petition Nos.10451, 11540, 11561, 11606, 11608, 11625, 11635, 11669, 11712, 12301 & 24891 of 2021 cannot question the same before this Court and if at all they have any grievance, they have to approach the authority concerned, as such, prayed to dismiss the writ petition.

6. Sri Resu Mahendar Reddy, learned Senior Counsel in reply submitted that the petitioners have no objection if the authorities take eviction proceedings strictly as per O.P. decree. However, if this Court is inclined to interfere, a direction may be given to the authorities to strictly take eviction proceedings within the boundaries mentioned in the schedule of the O.P. and prayed to dispose of the writ petition.

7. In response, Sri Ghanta Rama Rao, learned Senior Counsel reported no objection.

8. Perused the record and considered the submissions made by the learned Senior Counsel for respective parties.

9. It is not in dispute that the order passed in O.P.No.120 of 1983 dated 16.04.1990 has attained finality but as can be seen from the submissions and the record, there is some dispute with regard to the extent of the property. It is also not in dispute that apart from the schedule property in O.P.No.120 of 1983, there are much more other extents available on ground. The petitioners in several suits are claiming their title over the said property through various documents. Whether the schedule mentioned in the suit schedule property is covered in O.P. schedule or not, this Court is not inclined to go into the said aspect. When the parties have no objection to implement the O.P. Schedule property, a direction can be given to the revenue authorities to strictly initiate eviction proceedings basing on the order dated 16.04.1990 in L.G.O.P.No.120 of 1983 by giving proper notices to all the parties concerned by conducting proper survey for identifying the schedule property. As the learned Senior

Counsel has agreed to conduct survey as per the O.P. Schedule, without going into other aspects and merits and demerits of the case, this Court is inclined to dispose of the writ petition by passing the following order:

“The respondent authority concerned shall implement the order dated 16.04.1990 passed in L.G.O.P.No.120 of 1983, strictly as per the schedule of the boundaries mentioned therein in accordance with law within a period of six (06) months from the date of receipt of a copy of this order and the authority concerned has to confine to the schedule mentioned in the L.G.O.P.No.120 of 1983 before taking any steps to evict the parties. However, this order should not come in the way of the suits pending before the competent Civil Courts.”

10. Accordingly, these Writ Petitions are ***disposed of***. There shall be no order as to costs.

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

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**JUSTICE RAVI CHEEMALAPATI**

*Date: 05<sup>th</sup> December, 2024*

*RKS*