

APHC010227062025



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

[3329]

MONDAY ,THE FIFTH DAY OF MAY
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE VENKATESWARLU NIMMAGADDA

WRIT PETITION NO: 11705/2025

Between:

P Saraswathi and Others

...PETITIONER(S)

AND

The State Of Andhra Pradesh and Others

...RESPONDENT(S)

Counsel for the Petitioner(S):

1.BALAJI MEDAMALLI

Counsel for the Respondent(S):

1.GP FOR REVENUE

The Court made the following:

ORDER:

1. This writ petition is filed under Article 226 of the Constitution of India, to issue Writ of Mandamus declaring the action of the respondent authorities in not demarcating the land in an extent of Ac.0-03 cents as mentioned in the report of the Thasildar dated 29.02.2000 and the sketch annexed there to in Survey No.87 of Kalaparu Revenue Village, Pedapadu Mandal as illegal, arbitrary and contrary to Revenue Divisional Officer in L.Dis.(H).619/2000 dated 18.05.2000 and consequently to direct the respondent authorities to demarcate the above said vehicular track to enable the petitioner to utilize the same.

2. The case of the petitioner is that, the petitioner submitted an application to the respondents for providing rasta for vehicular traffic from the petitioners land to have an access to the public road. Pursuant to their representation, Respondent Nos.3 & 4 herein enquired into the matter and conducted survey. After conducting survey, the respondents that, an extent of 3-91 cents in Sy.No.87 of Kalaparru Revenue Village, Pedapadu Mandal is earmarked as burial ground. After conducting survey and enquiry by Respondent No.4, the said land was subdivided and an extent of Ac.0-03 cents in Sy.No.87 was demarcated towards rasta. Further, the other extent of land is earmarked for the purpose for which they were meant for. Even though the demarcation proceedings issued by Respondent Nos.3 & 4, till today, the respondents are not allowing the petitioners

to make use of Ac.0-03 cents in Sy.No.87 as rasta to approach National Highway road from the subject road. Hence the writ petition.

3. On the other hand, learned Government Pleader for Revenue furnished written instructions of the Tahsildar, Pedapadu Mandal, Eluru District vide Roc.No.239/2025/SA dated 04.05.2025, wherein it is stated as follows:

"In this regard, I have conducted a detailed enquiry along with Mandal Surveyor, Pedapadu, Village Revenue Officers, Kokkirapadu & Kalaparru and Village Surveyors of Kokkirapadu & Kalaparru. The petitioners have possessed lands in R.S.No.341/3 ETC Kokkirapadu Village adjacent to the boarder village of Kalaparru. The petitioners have requested acess of vehicular track to their fields through the land covered by R.S.No.87 of Kalaparru Village of Pedapadu Mandal. The said R.S.No.87 an extent of Ac.3-91 cts classified as Burial Ground which is objectionable Government Poramboke. There is a 100 feet road crossing to the east to access their land and is being utilizing by the petitioners. An extent of Ac.0.03 cts that the petitioners asking for purely their own benefit and not for communal purpose and the same was informed to the petitioners through the endorsements dated 20.12.2024 and 02.04.2025.

At present, they have been using the road to the east of their lands. This is purely for their personal needs and not for the public interest. So it is not possible to provide pathway from an objectionable government poramboke."

4. Based on the written instructions submitted by the Tahsildar, Pedapadu Mandal, learned Government Pleader for Revenue requested to dismiss the writ petition.

5. Heard learned counsel for the petitioner, learned Government Pleader for Revenue and perused the material available on record.

6. It is observed that, pursuant to the representation submitted by the petitioners, Respondent Nos.3 & 4 had conducted detailed enquiry, survey and demarcated the land in Sy.No.87 and accordingly, sub-divided the land. Out of the said land, Ac.0-03 cents was earmarked as proposed rasta which is connecting from the National Highway road to the petitioners land. Accordingly, a sketch was also prepared by Respondent No.4 herein for implementation of the same. the entire exercise was completed on 29.02.2000 and Respondent No.3 also issued proceedings dated 18.05.2000 directing Respondent No.4 to notify the subject land as rasta in the revenue record and make it use by the petitioners and other persons as rasta in respect of Ac.0-03 cents in Sy.No.87. Even after lapse of twenty five years, even though Respondent No.3 specifically directed Respondent No.4, but Respondent No.4 neither implemented the same nor issued any other proceeding.

7. As contended by the learned counsel for the respondents that, the claim of the petitioners that an extent of Ac.0-03 cents is only for the personal benefit of the petitioner and therefore, it cannot be considered and to be issued any impugned Endorsement is certainly contrary to the proceedings of Respondent No.3 dated 29.02.2000 and 18.05.2000.

8. Further, the third parties who occupied the entire land in Sy.No.87 are running poultry farm, but the respondents did not take any action against them and who occupied the entire land is not allowing the petitioners and others to make use of the small extent of land to approach the main road, which is nothing but depriving the right of access to their lands by the respondents.

9. Having allowed the third parties to encroach the government land for decades together and not allowing the petitioners and others to have access to their lands to the National Highway is certainly depriving the rights of the petitioners i.e. right to property and right to access to their property. Hence, the Endorsement dated 20.12.2024 is hereby set-aside. Further, Respondent Nos.3 & 4 are hereby directed to consider the request of the petitioner with reference to the proceedings issued by Respondent No.3 dated 29.02.2000 and 18.05.2000 and comply the same at the earliest, in accordance with law.

10. With the above direction, writ petition is disposed of. No costs.

11. Consequently, Miscellaneous Petitions, if any, pending in the contempt case shall stand closed.

VENKATESWARLU NIMMAGADDA, J

05.05.2025

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THE HON'BLE SRI JUSTICE VENKATESWARLU NIMMAGADDA**WRIT PETITION NO: 11705/2025**

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